
(2010) 09 UK CK 0123
In the Uttarakhand High Court

Smt. Komal Gupta through her husband Pradeep Kumar
Gupta

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 17-09-2010

Acts Referred:

Citation : (2010) 09 UK CK 0123

Hon'ble Judges : Dharam Veer, J

Bench : Single Bench

Judgement

Dharam Veer, J.—Heard Mr. Sandeep Kothari, Learned Counsel for the petitioner, Mr. Amit Bhatt, learned Addl. GA for the State and Mr. Kishore Kumar, Learned Counsel for respondent No. 3.

2. By means of this writ petition, the petitioner has sought following relief:

i) Issue a writ, order or direction in the nature of mandamus commanding the respondents to produce the body of the detainee before this Hon''ble Court and she may be released forthwith and be set at liberty.

ii) Issue a suitable writ, order or direction, which this Hon''ble Court may deem fit and proper in the circumstances of this case.

iii) Award the cost of writ petition to the petitioner.

3. Brief facts of the case, giving rise to this petition, are that the detainee petitioner is the wife of Pradeep Kumar Gupta and their marriage was solemnized at Arya Samaj Mandir, Savitri Nagar, Kargana, Bareilly, Uttar Pradesh on 5.7.2010 as per Hindu Rites and since from that day they were living happily as husband and wife. It is stated in the writ petition that respondent No. 3, father of petitioner, is employed as Sub Inspector in the Police Department, Pilibhit, who is against the solemnization of marriage of the petitioner and her husband and, for this reason, he has also given threats to the petitioner and her husband for their life and liberty. Earlier, a writ petition bearing No. 702 of 2010 (M/B) was also

filed before this Court in which the Division Bench of this Court directed the respondent Nos. 2 and 3 to provide other necessary protection to the petitioner and her husband, so that no harm be caused to them. It is also stated that inspite of the protection order passed by the Court, the respondent No. 3 took away the petitioner forcibly with him on 7.9.2010 at 2 PM. Further, the petitioner is major, who is aged about 21 years at present, cannot be forcibly taken away by the respondent No. 3. Copy of High school marksheet of the petitioner is annexed as Annexure No. 2. As such, this habeas corpus petition is preferred before the Court to produce the corpus in the Court.

4. Today, respondent No. 3 has produced the petitioner detenue before the Court. On being enquired, she has categorically stated before the Court that she is aged about 21 years at present and she also stated that she intends to live with her husband only and not with her father (respondent No. 3).

5. In view of these peculiar facts and circumstances of the case and particularly considering the fact that the petitioner who is major, aged about 21 years and, the statement given by her before the Court that she intends to live with her husband only, I direct the S.S.P. Nainital/S.S.P. Udham Singh Nagar to provide protection to the petitioner and her husband for their liberty and lives. Learned Addl. GA has also noted the gist of the order and he is directed to communicate this order to the SSP concerned so that the compliance be made forthwith.

6. Subject to above, the habeas corpus petition is finally disposed of. (Interim Relief Application No. 7703 of 2010 stands disposed of accordingly).