
(2006) 11 AHC CK 0265
In the Allahabad High Court
Case No : Criminal M.H.C.P. No. 47785 of 2006

Smt. Santoshi

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 16-11-2006

Acts Referred:

Constitution of India, 1950 — Article 226
Penal Code, 1860 (IPC) — Section 363, 366

Citation : (2007) 3 ACR 2843

Hon'ble Judges : Vinod Prasad, J

Bench : Single Bench

Advocate : Ram Chandra Srivastava, for the Appellant; A.G.A., for the Respondent

Judgement

Vinod Prasad, J.—Corpus Smt. Santoshi is personally present today in Court who has been identified by her father Sri Om Prakash Gupta who is also present in the Court. The statement of Smt. Santoshi was recorded in open Court today, which was verified to be correct by her and after said verification she has put her thumb impression on it. She clearly stated that she is aged about 24 years and she had married with Manoj Verma on her own accord. At the time of marriage she was 19 years of age. She also expressed the desire that she would like to go with her husband Manoj Verma. She further stated that she has got two issues Jahanwi and Dinkar aged about 2 years four months and one year respectively. She also stated that she is very happy in her family and with her husband. (She has brought both the infants in the Court today. Her husband Manoj Verma is also present in Court).

2. Father of Smt. Santoshi, namely, Om Prakash Gupta, the Petitioner who is also present in Court today raised serious objection to the said request of Smt. Santoshi and prayed that the couple be sent to Jail.

3. I have heard both the sides.

4. In view of the statement made by Smt. Santoshi she is allowed to go with her husband Manoj Verma as the interest of justice demands that the mother of two infants who has expressed her deep desire to live a happy life with her husband, must be allowed to go and live with her husband and children. The father Om Prakash is hereby restrained not to interfere into the marital life of Smt. Santoshi and Manoj Verma.

5. This habeas corpus petition now does not relate with two lives only but it relates with the life of two young adult persons and two very young infants, who require all the love, affection and caring of both of their parents. In exercise of my power under Article 226 of the Constitution of India, I direct the father Om Prakash Gupta not to resort to any illegal means for the separation of couple.

6. It is stated that a criminal case has been lodged against them which is pending before C.J.M., Allahabad arising out of Crime No. 359 of 2001, under Sections 363 and 366, I.P.C, P.S. Civil Lines, district Allahabad. In view of the order passed by me today, I also quash the criminal prosecution of Manoj Verma and Smt. Santoshi arising out of aforesaid crime number.

7. Smt. Santoshi and her husband Manoj Verma are directed to get a certified copy of this order and to appear before the court of C.J.M. Allahabad within a period of one week from today. The C.J.M., Allahabad will pass an order in accordance with this order and will close the prosecution.

8. The S.H.O. P.S. Civil Lines, Allahabad is personally present in court today. He is not needed to be present further. His presence is exempted. Since I have quashed the criminal prosecution of Smt. Santoshi and her husband Manoj Verma, no coercive measure, which has been issued against them, shall be executed against them.

9. Let a copy of this order be sent to C.J.M., Allahabad for his intimation forthwith.