
(2009) 10 AHC CK 0214
In the Allahabad High Court

Smt. Soni Devi

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 12-10-2009

Acts Referred:

Citation : (2009) 10 AHC CK 0214

Hon'ble Judges : Uma Nath Singh, J;S.N.H. Zaidi, J

Bench : Division Bench

Judgement

1. Pursuant to our order passed in the forenoon, S.S.P/D.I.G., Lucknow is present in person. He states that he has issued necessary directions to all his subordinates for strict compliance of directions of this Court and any laxity and lapse on the part of his subordinates shall be dealt with severely.

2. In view of his undertaking, the notice issued to him for initiating contempt proceedings is discharged.

3. Power on behalf of opposite party No. 4 filed in Court is taken on record.

4. On the last date i.e. 7.10.2009, we had passed the following order:

Smt. Soni Devi (petitioner herein) is produced from Nari Niketan in Court. She makes a statement that her age is about 19 years, although in High School certificate, the date of birth is noted as 24.06.1993. This is also mentioned to us that in the Family Register maintained by the local Gram Panchayat, the age of girl is shown above 19 years. Even the medical report also says that her age is about 19 years.

However, since the parents of the girl as well as husband and in-laws are not present in Court, the learned State Counsel is directed to ensure their presence on the next date of hearing. Smt. Soni Devi, the petitioner, shall be produced in Court from Nari Niketan on the next date of hearing also.

List the matter on 12th October, 2009.

5. Pursuant thereto, the detenue girl, her father, her husband and mother in law are present in Court.
6. The detenue girl makes a statement that she wants to go only with her husband for rehabilitation in her matrimonial home. Her husband Rituraj alias Munnu states that he has sufficient means to maintain his wife and he owns three and a half acres agricultural land and a house. Presently, he is also pursuing his study. His elder brother is gainfully employed and they all are living in a joint family.
7. Having been pointed out the medical evidence and the Panchayat record in support of the age of girl being over sixteen years on the date of marriage, her father also agrees that she should return to her matrimonial home.
8. In view of all the aforesaid, it is directed that the detenue can accompany her husband and mother-in-law from the Court after collecting her articles from Nari Niketan. The police officer accompanying the detenue girl shall accompany her to matrimonial home. S.H.O, P.S. Hyderabad, District Kheri, shall ensure the safety of detenue girl and her husband in their matrimonial home. In case of non-compliance of the order, this Court will take a serious view and proceed against the S.H.O. concerned.
9. With the aforesaid directions, this writ petition stands finally disposed of.