

(2003) 03 AHC CK 0098
In the Allahabad High Court
Case No : Writ Petition No. 145 of 2003 (HC)

Suneeta through her husband Tulsi

APPELLANT

Vs

State of U.P.& Ors.

RESPONDENT

Date of Decision : 12-03-2003

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2003) 03 AHC CK 0098

Hon'ble Judges : Vishnu Sahai, J and R.C.Pandey, J

Final Decision : Disposed Of

Judgement

1. On 1422003, the petitioner entered into marriage agreement with one Tulsi, resident of Mahmoodpur, P.S. Maigalganj, District Lakhimpur Kheri. On 1622003, Suneeta's mother Smt. Savitri Devi Opposite Party No. 4 lodged FIR against Tulsi under Sections 363, 366, 452, 504, 506 IPC and Section 7 Criminal Law Amendment Act at P.S. Maigalganj, District Lakhimpur Kheri whereupon the next day i.e. 1722003, Tulsi was taken into custody and the statement of the petitioner under Section 161 Cr. P.C. was recorded. On 2022003, medical examination of petitioner was conducted and doctor opined her to be aged about 18 years. Thereafter, statement of the petitioner under Section 164 Cr. P.C. was recorded by the Additional Chief Judicial Magistrate III wherein she stated that she was aged about 20 years; was having an affair with Tulsi since last 3 to 4 years and 10 to 12 days ago she married him in a temple. On the said date the petitioner was sent to Nari Niketan, Lucknow by Additional Chief Judicial Magistrate, Court No. 2, Lakhimpur Kheri. On 2222003, the Investigating Officer submitted his report under Section 169 Cr. P.C. against Tulsi and on 2822003 the said report was accepted by the Court and Tulsi was released from Jail. However, the petitioner continues to languish in Nari Niketan, Lucknow.

2. Today the petitioner appeared before us. She gave out her age as 20 years and in no uncertain terms stated that she wanted to live with her husband Tulsi who is a resident of Mahmoodpur, within the limits of P.S. Maigalganj, District

Lakhimpur Kheri. In our judgment, on the aforesaid facts, it can safely be concluded that the petitioner is being illegally detained at Nari Niketan, Lucknow.

3. In the circumstances, we direct the Superintendent, Nari Niketan, Lucknow (Opposite Party No. 3) to release the petitioner Suneeta forthwith unless she is wanted in some other case.

4. In the said manner this petition is disposed of finally.

5. True copy of this order attested by the Head Bench Secretary shall be issued to Constable Shama Bano who has brought the petitioner from Nari Niketan, Lucknow by 1.00 p.m. and the Superintendent, Nari Niketan, Lucknow shall act on it. We have passed this order today i.e. on 1232003 at 11.30 a.m.