

Court No. - 85

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Case :- HABEAS CORPUS WRIT PETITION No. - 514 of 2021

Petitioner :- Shivani Gupta

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Amitabh Trivedi, Arya Suman Pandey

Counsel for Respondent :- G.A.

Hon'ble Gautam Chowdhary, J.

Heard Shri Saurabh Tiwari, advocate holding brief of Shri Amitabh Trivedi, learned counsel for the petitioner and learned A.G.A. for the State.

This petition has been filed with the following prayer :-

"a) Issue, a writ in the nature of Habeas Corpus or any other writ, order or direction as may be deemed appropriate by this Hon'ble Court, directing the respondents herein to produce the Petitioner named Shivani Gupta D/o Santosh Kumar Gupta, Village- Delhna, Kashipur, Deura Chak, Varanasi, Uttar Pradesh- 221311, before this Hon'ble Court and;

b) Issue a writ of mandamus directing the concerned respondents to provide protection to both the couple.

c) To direct the concerned respondents to immediately release the Petitioner named Shivani Gupta.

d) Pass any other or further orders, as this Hon'ble Court may deem fit and proper in the fact and circumstances of the present case."

Learned counsel for the petitioner states that even the corpus is not permitted to appear in the examination held on 24.08.2021. Further he contended that when the Court asked for instructions then they recorded the statement under section 161 Cr.P.C.

In the interest of justice, it is necessary that the corpus may be produced before the Court proviso the detinue- Pritosh Yadav, is directed to deposit a sum of Rs. 20,000/- through the demand draft, drawn in favour of Miss Shivani Gupta-petitioner, on or before 31.08.2021 before the Registrar General of this High Court.

It is made clear that if the matter succeeds then the demand draft will be remitted back to the detinue and if fails the amount will be paid to the corpus.

Learned AGA undertakes to direct the Station House Officer, Varanasi to produce the corpus of Shivani Gupta on the next

date so to verify whether she is under any illegal detention of respondent no.6 or is living on her own volition.

Issue notice to respondent no.6 through the Chief Judicial Magistrate, Varanasi returnable on or before 27.08.2021.

List this case on 31.08.2021.

Order Date :- 25.8.2021

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Court No. - 86

Case :- HABEAS CORPUS WRIT PETITION No. - 514 of 2021

Petitioner :- Shivani Gupta through Pritosh Yadav

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Amitabh Trivedi, Arya Suman Pandey

Counsel for Respondent :- G.A.

Hon'ble Umesh Kumar,J.

Heard Sri Saurav Tiwari, learned counsel for the petitioner and Shri Ajay Kumar Srivastava, learned counsel, who has filed his vakalatnama on behalf of respondent no.6 today in the Registry.

This habeas corpus petition has been filed by the corpus- Shivani Gupta through her lover i.e. Pritosh Yadav for production of petitioner, who is in illegal detention of respondent no.6.

Petitioner- Shivani Gupta is present in person along with Shri Ajay Kumar Srivastava, learned counsel for respondent no.6 and has been identified by the respective counsel. There is no dispute that Ms. Shivani Gupta has attained majority.

Petitioner- Shivani Gupta has stated before the Court that neither she has authorized anyone to file this petition nor she has been illegally detained by her father. She is residing with her father on her own sweet will without any compulsion and coercion and expressed her desire to live with her family in future too.

In compliance of the earlier order dated 25.8.2021, a demand draft of Rs.20,000/- of Indian Bank (number:754333) drawn in favour of Ms. Shivani Gupta- has been prepared but not placed before the Registrar General of this High Court, is directed to hand over the corpus today, which is received by Ms. Shivani Gupta.

Considering the statement of corpus, arguments advanced by learned counsel for the parties and after perusal of the record, this Court finds that Pritosh Yadav wants to defame the image of Shivani Gupta in the society and only with the said intention the present petition has been filed before this Court so that he may be able to succeed in his plan to anyhow get the custody of Shivani Gupta whereas the girl refused any relation with one Pritosh Yadav before this Court. The action of Pritosh Yadav is illegal and against the norms of society in which we are living.

In view of the aforesaid, this petition is hereby **dismissed** with cost of Rs.5000/- which shall be deposited in the head of Legal Aid Services, High Court Allahabad by Pritosh Yadav within a month failing which the same shall be recovered as arrears of Land Revenue from him.

Order Date :- 31.8.2021

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