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(2020) 09 PAT CK 0123

Patna High Court

Case No: Criminal Writ Jurisdiction Case No. 358 Of 2020

Diwakar Nath

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

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Date of Decision: Sept. 3, 2020

Hon'ble Judges: Sanjay Karol, CJ; S. Kumar, J

Bench: Division Bench

Advocate: Jagjit Roshan, Pawan Kumar

Final Decision: Dismissed

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Judgement

The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video

Conferencing from their residence.

Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner has prayed for following reliefs:-

I. Issuance of writ or writs in the nature of Habeas Corpus commanding the respondents including respondent no. 7 to 9 to produce respondent no.

10 who is legally wedded wife of the petitioner before this Hon'ble Court who is kept in illegal confinement against the consent or free will of the respondent no. 10.

II. Issuance of order/orders, direction/directions to permit respondent no. 10 to live according to her own free will as respondent no. 10 is major.

III. Issuance of such other declaration that a major person in free India is entitled to live life of her choice and without any compulsion or force by any other persons.

IV. Grant such other relief or reliefs as your Lordships may deem fit and proper.

It has been submitted by the counsel for the Petitioner that marriage of petitioner was solemnized with respondent no. 10 as per Hindu Rites and

Customs on 07.07.2019 and on 08.07.2019 respondent no. 10 came to her matrimonial home and lived there and thereafter on 18.10.2019 went to her

parental house and it appears from Annexure-3 that there was some matrimonial dispute between the parties for which a complaint was lodged by

respondent no. 10 against petitioner in Mahila Police Station where both parties appeared but the dispute could not be resolved.

Petitioner has filed this habeas corpus petition on the ground that respondent no. 10 is major and is under unlawful confinement of her parents

respondent no. 7 and 9 against her will and as such may be directed to be set free and live life of her own choice with free will.

After some arguments, counsel for the petitioner prays to withdraw this criminal writ petition to enable him to approach appropriate forum/family court

for redressal of his grievances.

With aforesaid liberty, the criminal writ petition is dismissed as withdrawn.