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**(2009) 11 AHC CK 0303**

**Allahabad High Court**

**Case No:** None

Smt. Anita Yadav

APPELLANT

Vs

State of U.P.

RESPONDENT

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**Date of Decision:** Nov. 3, 2009

**Acts Referred:**

- Penal Code, 1860 (IPC) - Section 363, 366

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

**Bench:** Division Bench

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### **Judgement**

1. Towards compliance of our order dated 29.10.2009, petitioner Smt. Anita Yadav is present in Court on being produced from Nari Sanrakshan Griha, Lucknow.

2. Petitioner's father Ram Tirath, opposite party No. 4 is also present in Court. He reiterates the statement made by his counsel on the last date of hearing that he does not have any objection to girl being sent with her husband to restart her matrimonial life.

3. In view of the order passed on 29.10.2009 and the statement of Ram Tirath, father of detainee Smt. Anita Yadav, whose age has been determined to be around 19 years on the basis of ossification test and thus she is competent to give her consent for marriage, the order of Chief Judicial Magistrate, Faizabad dated 12.6.2009, passed in crime case No. 220/09, under Sections 363 and 366 IPC, P.S. Khandasa, District Faizabad, directing lodgement of petitioner Smt. Anita Yadav in Nari Sanrakshan Griha, Faizabad, is hereby set aside and it is directed that she would be at liberty to rejoin her husband. We also record the statement of Ram Tirath, father of petitioner Smt. Anita Yadav that he will not interfere with the matrimonial life of her daughter and wants to close the F.I.R, lodged against her husband and his associates, namely, Dhani Ram and Ashok.

4. It is stated that the husband of petitioner is lodged in jail pursuant to F.I.R lodged by Ram Tirath and in his absence, she will accompany her father-in-law to her

matrimonial home.

5. Thus, this writ petition stands disposed of.