

**Case :-** HABEAS CORPUS WRIT PETITION No. - 529 of 2021

**Petitioner :-** Smt. Netrawati Yadav And Another

**Respondent :-** State Of U.P. And 3 Others

**Counsel for Petitioner :-** Mahendra Singh

**Counsel for Respondent :-** G.A.

**Hon'ble Shamim Ahmed,J.**

Heard Sri Mahendra Singh, learned counsel for the petitioners, learned AGA for the State and Sri Sarvajeet Singh, learned counsel for respondent no.4.

This habeas corpus writ petition has been filed with the following prayer:

*"Issue a writ, order or direction in the nature of habeas corpus directing the respondent no.4 to produce the petitioner no.1 before this Hon'ble Court and set her free from illegal detention of respondent no.4."*

Learned counsel for respondent no.4 submits that in compliance of the order dated 4.8.2021 passed by this Court, petitioner no.1 Netrawati Yadav is present before this Court along with his father Sri Tejpal respondent no.4, resident of village Saidola, P.S. Faijganj Behta District Budaun. Both of them have been identified by Sri Sarvajeet Singh, Advocate.

Petitioner no.1 Netrawati Yadav has been brought before this Court by lady constable 691-Neeraj (PNO 112530626), P.S. Faijganj Behta, District Budaun.

On being asked from petitioner no.1 as to whether she has solemnized marriage with petitioner no.2, she has refused the same and states that she has not solemnized marriage with him. She further states that the present writ petition has been filed only with the intention to defame her image in the society. She has already married with one Banti, who has also come with her and is present in the campus of High Court. She has further stated that petitioner no.2 Dharmendra was regularly teasing her in her village because his sister is married in the village of Netrawati Yadav and he used to come there only with the intention to defame her. The father of Netrawati Yadav namely Sri Tejpal has also stated that he solemnized the marriage of his daughter with Banti as per Hindu rites and rituals.

On the other hand, learned counsel for the petitioners submits that the marriage of petitioner no.1 Netrawati Yadav took place with petitioner no.2 Dharmendra in Arya Samaj Vivah Trust, Delhi on 12.7.2021. When this Court asked from petitioner no.1 Netrawati Yadav regarding the marriage certificate, she has stated that this marriage certificate is forged and no marriage took place.

Learned AGA also supports the contention of learned counsel for respondent no.4 and submits that prima facie the marriage certificate appears to be forged.

Considering the arguments advanced by learned counsel for the parties and after perusal of the record, this Court finds that petitioner no.2 wants to defame the image of petitioner no.1 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 petitioner no.1, whereas no marriage took place as stated by petitioner no.1 Netrawati Yadav before this Court. The action of petitioner no.2 is illegal and against the norms of society in which we are living. As per the statement of petitioner no.1 and her father Sri Tejpal, she is married with one Banti who also accompanied her in the High Court campus.

Accordingly, the writ petition is **dismissed** with cost of Rs.50,000/- (rupees fifty thousand) which shall be paid by petitioner no.2 Dharmendra to petitioner no.1 Netrawati Yadav by way of bank draft within one month from today. In case the cost is not paid by petitioner no.2 to petitioner no.1, the same shall be recovered as arrears of land revenue.

The copy of the order be sent by the office to the concerned CJM for necessary compliance.

**Order Date :- 25.8.2021**

SP