



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

D.B. Habeas Corpus Petition No. 312/2021

Pintu Devi W/o Rameshwar Tak, Aged About 24 Years, 17, Street
No.4 Gandhinagar, 80 Feet Road, Magra Pinjla, Jodhpur.

----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Department Of
Home, Government Of Rajasthan, Jaipur.

2. Commissioner Of Police, Jodhpur.

3. Station House Officer, Mandore Police Station, Jodhpur.

4. Shivam S/o Tarachand, 373 Prem Nagar, Near Nandipuri,
Jaipur.

----Respondents



For Petitioner(s) : Mr. Arpit Samaria

For Respondent(s) : Mr. Anil Joshi, G.A.-cum-A.A.G.(In
Charge)
Mr. Jog Singh
Mr. Jaiprakash, HC No.1125, Police
Station Mandore, Jodhpur

HON'BLE MR. JUSTICE SANDEEP MEHTA

HON'BLE MR. JUSTICE SAMEER JAIN

Order

11/11/2021

The petitioner has approached this Court by way of this habeas corpus petition alleging that her husband Rameshwar Tak has been detained by the respondent No.4 and that he is being blackmailed.

The alleged corpus Shri Rameshwar Tak who was summoned, is present in the Court. He flatly refused to live with his wife, the present petitioner. It may be stated here that the petitioner has



two children aged two and a half years and three months from her wedlock with Shri Rameshwar Tak.

Shri Joshi, AAG (In Charge) has submitted the case diary for the Court's perusal which indicates that Shri Rameshwar Tak has remarried. He himself submitted an application to the SHO, Police Station Mandore, Jodhpur, stating therein that he has married one Priyanka Sagar on 27.10.2021. The marriage has been registered at the Arya Samaj, Begumbagh, Aligarh and the certificate of the registration has also been collected by the Investigating Officer. In this view of the matter, it is clear as day light that Shri Rameshwar Tak has intentionally deserted his wife, the present petitioner by keeping her in dark and has remarried. The Court suggested to Shri Rameshwar Tak that as he has deserted his wife and young children and since they are facing destitution owing to his deceitful approach, he should offer some maintenance to them. However, he refuted the suggestion and also bluntly refused that he has married the said Priyanka Sagar.

Apparently, the alleged detinue is stating lies in this Court. Thus, we are compelled to '*suo motu*', exercise extraordinary writ jurisdiction of this Court and direct that Rameshwar Tak shall, by way of an interim measure make payment of maintenance to the tune of Rs.10,000/- per month to the petitioner for her own and for the children's maintenance. A file for grant of maintenance under Section 125 Cr.P.C to the petitioner and her children shall be registered by the Judge, Family Court No.1, Jodhpur on the basis of this order. The petitioner and Shri Rameshwar Tak shall remain present before Judge, Family Court No.1, Jodhpur on 25.11.2021



in connection with the said proceedings to be registered in Family Court for award of maintenance to the petitioner and her minor children under Section 125 Cr.P.C. The learned Judge, Family Court shall conduct the proceedings expeditiously. The petitioner's counsel has provided her bank details to learned counsel Shri Jog Singh, representing the alleged detinue Shri Rameshwar Tak, who shall deposit a sum of Rs.10,000/- by way of interim maintenance into the said bank account on fifth day of every month till the disposal of the proceedings under Section 125 Cr.P.C. before the Family Court, Jodhpur, failing which, the learned Judge, Family Court shall initiate coercive measures for recovery of the amount from Shri Rameshwar Tak.

List on 17.12.2021 for receiving progress report from the Family Court.

(SAMEER JAIN),J

48-Sachin Kushwaha/-

(SANDEEP MEHTA),J

सत्यमेव जयते