

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPHC No. 13 of 2021**

Smt.Astha Pandey W/o Amit Kumar Pandey, Aged about 26 years, R/o Gouri Ganesh Vihar, Mungeli Road, Bilaspur, District Bilaspur (CG)

---- **Petitioner****Versus**

1. State of Chhattisgarh, Through-The Secretary, Department of Home Affairs, Atal Nagar, Naya Raipur, Raipur, District-Raipur (CG)
2. The Inspector General of Police, Bilaspur Range, Bilaspur, District-Bilaspur (CG)
3. The Superintendent of Police, Bilaspur, District-Bilaspur (CG)
4. The Station House Officer, Civil Lines, Bilaspur, District-Bilaspur (CG)
5. Smt.Laxmi Pandey W/o Late Kishore Pandey, Aged about 58 years
6. Abhijeet Pandey S/o Late Kishore Pandey, Aged about 33 years
7. Abhishek Pandey S/o Late Kishore Pandey, Aged about 31 years

Respondent No.5 to 7 R/o Shubham Vihar, Beside Babji Residency, Mungeli Road, Bilaspur, District-Bilaspur (CG)

---- **Respondents**

(Cause – title taken from Case Information System)

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For Petitioner	:	Shri Arun Barik, Advocate with Petitioner- Smt.Astha Pandey
For Respondents No. 1 to 4	:	Shri Siddharth Shukla, Deputy Government Advocate
For Respondents No.5 to 7	:	Shri Sandeep Shrivastava, Advocate

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Hon'ble Shri Arup Kumar Goswami, Chief Justice

Hon'ble Shri Sanjay K. Agrawal, Judge

Order on Board

Per Sanjay K. Agrawal, Judge

26.10.2021

Shri Amit Kumar Pandey, aged about 35 years, has been produced before this Court though this Court has not directed for his production. His presence is marked.

2. This writ petition has been preferred by the petitioner seeking direction to respondents No.5 to 7 to free her husband from clutches of respondents No.5 to 7 stating inter-alia that she has married Shri Amit Kumar Pandey on 19.5.2020, but respondents No.5 to 7 have illegally detained him without authority of law.

3. When the matter is taken-up today for consideration, petitioner-Smt.Astha Pandey in person, would submit that Shri Amit Kumar Pandey (who is present in the Court) is her legally wedded husband and he has been detained unauthorizedly and without authority of law by respondents No.5 to 7. He is willing to stay with her and she is continuing his treatment with Dr.Prakash Narayan Shrivastava, Psychiatrist at Raipur as he is unwell. She is willing to meet him and wants to stay with him. Therefore, appropriate direction for releasing him from clutches of respondents No.5 to 7 be given.

4. As noticed herein-above, since Shri Amit Kumar Pandey is present in the Court and on being asked, he submits that though he is married with the petitioner on 19.5.2020, but on account of some objectionable behaviour made by the petitioner, he is not ready and willing to stay with the petitioner and he

wanted to stay with his parents. On being asked, whether he is ready and willing to meet with his wife / petitioner present in the Court, he clearly states that he is not willing to meet his wife Smt.Astha Pandey. Shri Amit Kumar Pandey further submits that out of his own volition and because of objectionable behaviour of the petitioner he has gone to stay with his parents and as such, he is staying with his parents out of his free will and there is no pressure or force applied by respondents No.5 to 7 to stay with them.

5. We have heard Shri Ajay Barik, learned Counsel for the petitioner. Also heard Shri Siddharth Dubey, learned Deputy Government Advocate appearing for respondents No. 1 to 4, Shri Sandeep Shrivastava, learned Counsel appearing for respondents No.5 to 7 and petitioner-Smt.Astha Pandey in person and Shri Amit Kumar Pandey in person.

6. After having heard learned counsel for the parties and petitioner-Smt.Astha Pandey in person and Shri Amit Kumar Pandey in person and considering that both are majors and further considering the nature of dispute between them, we are of the considered opinion that it is not the case where Shri Amit Kumar Pandey has been illegally and unauthorizedly detained by respondents No.5 to 7 and we hereby close the present Habeas Corpus petition accordingly. However, the petitioner is at liberty to avail other remedies available under the law for redressal of her grievances, if any. It is also made clear that we have not expressed any opinion on rights of the parties.

Sd/-

**(Arup Kumar Goswami)**  
**Chief Justice**

Sd/-

**(Sanjay K. Agrawal)**  
**Judge**