

The High Court of Madhya Pradesh
WP No.8194.2020
(Ashok Singh Vs. State of M.P.)

Gwalior dated : 03/07/2020

Shri Sanjay Singh Rajput, Advocate, for the petitioner.

Shri Sankalp Sharma, Panel Lawyer, for respondent/State.

This petition under Article 226 of Constitution seeks issuance of writ of habeas corpus. Petitioner claims himself to be father of corpus who being minor daughter of petitioner has been held in unlawful confinement and restraint by respondent No.4.

The corpus was heard by this Court earlier on 01/07/2020 through Video Conferencing. The corpus disclosed that she is 21 years of age and her father (petitioner herein) ill-treated her which impelled her to abandon her parental home by eloping with respondent No.4 with whom she got married and is presently 7-8 months pregnant. The corpus on the last date i.e. on 01/07/2020 had categorically refused to go back to her parental home and expressed her desire and wish to reside with respondent No.4.

The corpus is heard today again through Video Conferencing and has reiterated her stand as disclosed by her on 01/07/2020. She

has further disclosed that she was not held in unlawful confinement or restraint by respondent No.4 as alleged by her father (petitioner herein).

Since the corpus during Video conferencing appeared to be physically older than 17 years of age, this Court had directed for conduction of ossification test for ascertaining approximate biological age. The said test was conducted at the District Hospital, Bhind on 02/07/2020 and a report submitted thereof and filed by the State reveals the corpus to be 21 years of age \pm one year.

Even if, a conservative figure of 19 years is taken to be true, the petitioner was more than marriageable age at the time when she eloped with respondent No.4 and got married with him and therefore, she can safely be treated as major and her wish and desire of not staying in her parental home and instead staying with respondent No.4 have to be respected.

In view of clear statement of corpus that she was not held in unlawful confinement or in restraint by respondent No.4, this Court declines to interfere in the matter and therefore, the present petition stands dismissed.

The concerned police escort is directed to escort the corpus and hand her over to respondent No.4 and submit a report in that regard to the Registry of this court.

(Sheel Nagu)
Judge

(suneel)