

Court No. - 67

Case :- HABEAS CORPUS WRIT PETITION No. - 192 of 2022

Petitioner :- Kavita Gupta (Corpus)

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

Counsel for Petitioner :- Mithilesh Kumar Gupta

Counsel for Respondent :- G.A,Ashish Kumar Mishra

Hon'ble Rahul Chaturvedi,J.

Shri Ashish Kumar Mishra, learned Advocate has filed his Vakalatnama on behalf of Ashok Kumar Gupta, Manoj Kumar Gupta, Dhiraj Kumar Gupta and Vinod Kumar Gupta, who are brothers of corpus, taken on record.

Pursuant to earlier order dated 31.3.2022, the girl Kavita Gupta (corpus) and her husband Mahesh Kumar Vishwakarma are present in the Court. Shri Ashok Kumar Gupta, Shri Manoj Kumar Gupta, Shri Dhiraj Kumar Gupta and Shri Vinod Kumar Gupta, brothers of the corpus are also present in the Court. All these persons are duly identified by their respective counsels.

Heard Shri Mithilesh Kumar Gupta, learned counsel for the petitioner and Shri Ashish Kumar Mishra, learned counsel for the respondent and learned A.G.A. Perused the record.

The Court has opportunity to have conversation with the corpus, who said that her name is Kavita Gupta and her age is about 24 years; she is pursuing her M.A. from Banaras Hindu University; during her studies she developed certain amount of tender relationship with Mahesh Kumar Vishwakarma and both of them have decided to marry; on 30.4.2021 they got married in a temple and thereafter got their marriage registered on 21.9.2021 (Annexure-1). She further states that her brothers, named above, are very cruel to her because she got married against their wish and desire.

On making inquiry from the brothers of corpus, who are present in the Court, about cruel-treatment given by them, as a usual practice, they made denial of any allegation of cruelty qua her sister.

The corpus Kavita Gupta also woefully states that on 26.4.2021 she was brutally assaulted by Mr. Abhishek Kumar, In-charge, Police Chowki-Khajuri, Police Station-Mirza Murad, District-Varanasi and two lady constables, accompanied with him.

This is an unacceptable situation where the police personnel who are said to be protector have become attacker. Under the circumstances the S.S.P., Varanasi is hereby directed to inquire into the matter and if the allegation of assaulting by the aforesaid police personnel upon the corpus is found to be true, punitive action against them shall be taken within ten days from today.

So far as the brothers of corpus, named above, are concerned, they are required to sever all relationship with their sister and not to harass or ill-treat her just because she got married with a boy of her own choice. Since the girl is facing threats from her brothers regarding the safety and security of herself, her husband and her in-laws, as such, the S.S.P., Varanasi and S.H.O., P.S.-Raja Talab, Varanasi are required to provide adequate security and keep a close vigil over the safety and security of Kavita Gupta, her husband Mahesh Kumar Vishwakarma and other members of her in-laws, so that nothing untoward may happen in future against them.

Under the peculiar facts and circumstances, accepting that Kavita Gupta is a major girl and she has decided to go with her husband, she has all right to do so. Kavita Gupta is at liberty to go with her husband Mahesh Kumar Vishwakarma.

The Habeas Corpus Petition is hereby disposed off.

Order Date :- 29.4.2022

M. Kumar