

**THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY
AND
THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO**

WRIT PETITION No.11999 of 2023

ORDER: *(Per Hon'ble Sri Justice Cheekati Manavendranath Roy)*

This Writ Petition for *habeas corpus* is filed seeking direction to the respondents to produce the person, by name, Smt. Usha, before the Court and to pass appropriate orders deemed fit in the facts and circumstances of the case.

2. Heard the learned counsel for the writ petitioner and learned Government Pleader attached to the office of the learned Advocate General and the learned Assistant Government Pleader for Home.

3. The petitioner is an employee working in Medical College, Ananthapur. It is stated that Smt. Usha is his childhood friend and after her marriage, she got problems with her husband and she is living separately from her husband for the last three years. Thereafter, he and the said Usha are moving together. It is stated that on 17.12.2022, the brother and husband of the said Usha accompanied by a lady constable came to his house and beat Usha and took her away from his house. Therefore, he has filed the present Writ Petition for *habeas corpus* to produce the said Usha before the Court and pass appropriate orders accordingly.

4. Earlier, when the Writ Petition came up for admission before this Court on 05.05.2023, Sri Y.N.Vivekananda, learned counsel appearing for the State, has submitted that the detinue is living with her father in Kalyanadurgam Town and that she has also given a statement and that a crime was registered in Kalyanadurgam Police Station in Crime No.15 of 2023 on 31.01.2023.

5. The same was recorded by this Court on 05.05.2023 and directed the Station House Officer, Kalyandurgam Police Station, Ananthapur District to cause production of the detinue on 09.05.2023.

6. Accordingly, on 09.05.2023, the alleged detinue was present before the Court. Her children were also present before the Court. The detinue categorically asserted before the Court that she does not want to live with her mother and children and would like to spend her time with the petitioner-G.Bhanu Murthy only.

7. The children, mother and natural brother of the detinue, on the other hand, stated before the Court that as she was subjected to emotional black mail through whatsapp messages, etc., that she stated that she wants to live with the petitioner-Bhanu Murthy. It is also brought to the notice of this Court at that time that the detinue underwent some psychiatric evaluation at Abhaya Hospital, Bangalore. Therefore, this Court directed the 1st respondent to keep

the detenue in the interim custody of Swadhar Home, Mahila Pranganam Compound, near Collectorate Bungalow, Guntur, for a period of one month. Further directed to get proper medical psychiatric evaluation of her mental state and to produce the medical report before this Court and ordered to list the matter today, i.e., on 15.06.2023.

8. Accordingly, pursuant to the aforesaid direction, she was kept in the interim custody of Swadhar Home, Mahila Pranganam Compound, near Collectorate Bungalow, Guntur. She was also subjected to psychiatric evaluation of her mental state. Today, she was produced before the Court, as directed supra, and the medical report was also produced before the Court.

9. As can be seen from the medical report, it was opined by the members of the Medical Board that currently she does not have any symptoms suggestive of any psychiatric illness and does not require any active psychiatric management or intervention.

10. Thus, it is evident from the above medical report that she is not suffering from any psychiatric illness.

11. We have again personally examined her both in the Court Hall and the Chamber and she again categorically asserted that in view of the disputes between herself and her husband that she has filed a petition seeking decree of divorce against her husband which

is pending in the concerned Court and that she does not want to live with her husband and she intends to live with the petitioner as he promised to marry her after decree of divorce was granted dissolving her marriage with her husband. She also stated that the petitioner-Bhanu Murthy has given divorce to his wife. Thus, the detinue has voluntarily with her free will and volition stated that she intends to live with the petitioner.

12. The record reveals that earlier also, the petitioner has filed similar Writ Petition for *habeas corpus* before the High Court of Karnataka in W.P.H.C.No.4 of 2023. In the said Writ Petition also, the High Court of Karnataka passed the following order:

"The aforesaid detinue is a married woman and aged about 48 years. She has appeared before this Court and has filed an affidavit stating that she is detained against her wishes by respondent No.5 namely Thipperudrappa.

The detinue Usha M.L. is therefore set at liberty.

Accordingly, the petition is disposed of."

The aforesaid order was passed on 06.02.2023.

14. Again, the present Writ Petition was filed after she was set at liberty in the above proceedings before the High Court of Karnataka. As stated supra, even before this Court also, she has asserted and voluntarily stated that she, being a woman of 48 years

age, who is fully grown up woman and who is found to be not suffering from any mental illness, that she would like to live with the petitioner.

15. She also stated before this Court that she is not apprehending any danger to her life in the hands of the petitioner-Bhanu Murthy. Therefore, recording the above said statement of the petitioner and as we are satisfied that she has been voluntarily living with the petitioner with her free will and volition, and as she stated that she is not apprehending any danger to her life in the hands of the petitioner, the detenue-Usha M.L. is set at liberty.

16. The Writ Petition is disposed of accordingly. There shall be no order as to costs.

As a sequel, miscellaneous petitions, if any, pending in the Writ Petition, shall stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

JUSTICE TARLADA RAJASEKHAR RAO

Date: 15.06.2023

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