

Madhu Bala vs Narender Kumar And Ors. on 4 January, 1982

Equivalent citations: AIR1982SC938, 1982CRILJ855, (1982)2SCC444, AIR 1982 SUPREME COURT 938, 1982 (2) SCC 444 1982 SCC(CRI) 468, 1982 SCC(CRI) 468

Author: P.N. Bhagwati

Bench: E.S. Venkataramiah, P.N. Bhagwati

JUDGMENT

P.N. Bhagwati, J.

1. Special leave granted.

2. The appellant appeared before us in chamber and we questioned her in order to find out whether she is being detained by her parents against her wish and she is being prevented from going to the first respondent. The appellant stated clearly and unequivocally before us that she is not being detained by her parents against her will and she does not want to go to the first respondent. We asked the appellant her age and she stated that she has just completed 21 years in the month of Mar. 1981. She also appears to be of 21 years age. We have satisfied ourselves that the appellant is not being detained against her will and without her consent. The application for a writ of habeas corpus for her production and release must therefore fail. Neither the dismissal of this application for a writ of habeas corpus nor anything we have said in this order will stand in the way of the first respondent agitating, if he so wishes, the factum of marriage or any other civil or matrimonial rights which he may have against the appellant and it will be for the appropriate Court in which such question is raised to decide it on the evidence which may be led before it. Appeal is disposed of in the light of the above observations.