

Court No. - 13

Case :- HABEAS CORPUS WRIT PETITION No. - 369 of 2023

Petitioner :- Varunesh Shukla Thru. His Mother Santosh Kumari Shukla

Respondent :- State Of U.P. Thru. Secy. Home Deptt. Lko. And 4 Others

Counsel for Petitioner :- Sheel Nidhi Shukla, Shiv Darshan Shukla

Counsel for Respondent :- G.A.

Hon'ble Karunesh Singh Pawar,J.

In compliance of the order passed by this Court, the investigating officer Shri Hari Mohan Singh is present before the Court, who has stated that pursuant to the FIR lodged by the mother of the petitioner, the investigation is going on. The detainee has not been found at the place of respondent no. 4 and 5 rather, his location is of Pune, Maharashtra. His mobile is switched off. Efforts have been made to trace the detainee. He has produced the case diary as well as call details record.

Perused the record.

On perusal of the record as well as from the statement of I.O., it is evident that the detainee is not with respondent no. 4 and 5 and the call details record show that he is in the State of Maharashtra; the investigation is going on and thus, in the given facts of this case, it is clear that location of the detainee is not at the residence of respondent no. 4 and 5, rather, his location is of State of Maharashtra outside the State of U.P. The extraordinary jurisdiction in Habeas Corpus cannot be exercised conducting a roaming inquiry regarding the whereabouts of the detainee. The facts asserted by the petitioner that the detainee have been detained by respondent no. 4 and 5 are disputed by the State.

Pursuant to the allegations of the deponent, FIR bearing No. 751/2023, under Section 342/504/506 IPC, P.S. Bachhrawan, District Raibareli has already been lodged in which investigation is going.

In the given facts of this case, the writ of habeas corpus is not maintainable. Accordingly, it is ***dismissed*** as not maintainable.

The petitioner may avail any other alternative remedy as per law.

Order Date :- 14.12.2023/R.C.