

Court No. - 15

Case :- HABEAS CORPUS WRIT PETITION No. - 402 of 2023

Petitioner :- Smt. Neetu Gupta Thru. Her Brother Shubham Gupta

Respondent :- State Of U.P. Thru. Prin. Secy. Home U.P. Lko. And 5 Others

Counsel for Petitioner :- Rakesh Chandra Rastogi, Chenawati, Pradeep Kumar Verma

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed, J.

Ms. Mamta Singh, Advocate has put in appearance on behalf of respondent Nos.4 to 6 by filing a Vakalatnama, which is taken on record.

Heard Mr. Rakesh Chandra Rastogi, learned Counsel for the petitioner, Ms. Mamta Singh, learned Counsel for respondent Nos.4 to 6, Mr. Vivek Kumar Gupta, learned A.G.A-I for the State-respondent Nos.1 to 3 and perused the material placed on record.

The present petition of Habeas Corpus Writ Petition has been filed on behalf of the petitioner seeking following reliefs:-

" उपरोक्त याचिका में निरूपित किये गये तथ्यों, कारणों एवं परिस्थितियों के परिदृश्य में याचिकाकर्ता निम्नलिखित याचना करता है कि :-

(A) विपक्षीय संख्या 2 तथा 3 को माननीय न्यायालय आदेशित करने की कृपा करें कि याचिकाकर्ता की बहन श्रीमती नीतू गुप्ता को अविलम्ब ढूँढ कर माननीय न्यायालय के समक्ष प्रस्तुत करें, जिससे कि उसकी प्राण रक्षा हो सके।

(B) यह कि विपक्षीय संख्या-2 तथा 3 को पुनः इस आशय के निर्देश माननीय न्यायालय द्वारा निर्गत किये जाये कि याचिकाकर्ता की बहन श्रीमती नीतू गुप्ता को उसके नैसर्गिक भाई अथवा पति पवन गुप्ता की अभिरक्षा में दिया जाये।

(C) अन्य कोई अनुतोष जो माननीय न्यायालय न्यायहित में याचिकाकर्ता के पक्ष में निर्गत किया जाना उचित समझे निर्गत किये जाने की कृपा की जाये।"

Learned Counsel for the petitioner through her brother Shubham Gupta, submits that her sister disappeared while she was returning to her maternal home from paternal home, in this

regard a missing report has already been filed on 16.12.2023 at Police Station-Saadatganj, District-Lucknow but the police is not taking any action for the recovery of her sister, thus, he submits that this Court may direct the police authorities to take action and recover his sister and produce her before this Court.

Per contra, learned A.G.A-I submits that in the present case as the missing report has already been filed on 16.12.2023 before the concerned police station and the police is investigating the matter. He further submits that as per the instructions received from the concerned police station, the petitioner, namely-Smt. Neetu Gupta is living in Gujarat with her own sweet will and she is major, thus, no relief can be granted as prayed by the petitioner through her brother. He further submits that whatever grievance the petitioner's brother has, he may approach the concerned police officer by way of an application to expedite the investigation for recovery of his sister.

Ms. Mamta Singh, learned Counsel for the respondent Nos.4 to 6 also made an agreement with the arguments of learned A.G.A. for the State-respondents.

In view thereof, after considering the submissions made by learned Counsel for the parties and after perusal of the record, this Court finds force in the argument of learned A.G.A. as well as learned Counsel for the respondent Nos.4 to 6 as a missing report has already been filed on 16.12.2023 before the concerned police station and the petitioner through her brother, namely-Shubham Gupta is aggrieved by the in action on the part of the police authorities, thus, he may approach the correct forum for redressal of his grievance, no relief can be granted to the petitioner through her brother at this stage.

With the aforesaid directions/observations, the present petition is **disposed of**

Order Date :- 22.12.2023

Piyush/-