

**Court No. - 16**

**Case :-** HABEAS CORPUS WRIT PETITION No. - 138 of 2024

**Petitioner :-** Sanowar Thru. Her Husband Shafeequrrahman

**Respondent :-** State Of U.P. Thru. Prin. Secy. Home Lko. And 3 Others

**Counsel for Petitioner :-** Vijayendra Prakash Tripathi, Rajesh Kumar Singh

**Counsel for Respondent :-** G.A.

**Hon'ble Shamim Ahmed, J.**

Heard Sri Vijayendra Prakash Tripathi, learned counsel for the petitioner; Sri Vinod Kumar Shahi, learned Addl. Advocate General, alongwith Sri Hari Shankar Bajpayee, learned A.G.A.- 1.

This writ petition has been filed with the following prayer:

*".... this Hon'ble Court may kindly be pleased to issue a writ, order or direction in the nature of 'Habeas Corpus' directing the opp. party nos. 2 and 3 to produce detenue before this Hon'ble Court and set her liberty to secure the ends of justice as provided by the Constitution."*

Learned counsel for the petitioner submits that the alleged detenue Sanowar is under illegal detention of one Sheebu Khan/respondent No. 4, who has no relation with the detenue and is only a villager of the same village, where the detenue resides. It has further been argued that in this regard the petitioner has already moved an application before the S.H.O., P.S. Vikas Nagar, Lucknow, on 11.5.2024, to the Dy.Inspector General of Police and the Superintendent of Police, on 13.5.2024, but no action has been taken till date, thus, the detenue be called before this court and her custody be given to the alleged husband Shafeequrrahman.

Sri Vinod Kumar Shahi, learned Addl. Advocate General, made an objection to the argument as advanced by the learned counsel for the petitioner, and submits that the relief sought by the petitioner by way of the present writ petition cannot be granted, as it appears to be a case of kidnapping or abduction. In this regard, he has also produced the instructions given by the Sub Inspector, P.S. Vikas Nagar, Lucknow, in which it has been stated that the detenue is a major girl and she has left the house on her own sweet will. Sri Shahi has further argued that as argued by the learned counsel for the petitioner, the petitioner has already moved an application before the S.H.O., P.S. Vikas Nagar, Lucknow; Dy.Inspector General of Police and

the Superintendent of Police, and if no action has been taken, then the petitioner has a remedy to move an application under Section 175(3) of Bhartiya Nagarik Suraksha Sanhita- 2023 (B.N.S.S.) before the concerned Magistrate, if the F.I.R. is not being lodged, thus, no relief can be granted.

At this stage, learned counsel for the petitioner Sri Tripathi, submits that he may be permitted to move an appropriate application before the appropriate forum in accordance with law for redressal of grievances of the petitioner.

Accordingly, this petition is **disposed of** with the direction that if the petitioner is aggrieved by any inaction of the Police, he may move an application under Section 175(3), B.N.S.S. before the appropriate forum in accordance with law.

(Shamim Ahmed, J.)

**Order Date :- 18.7.2024**

A.Nigam