

**Court No. - 16**

**Case :-** HABEAS CORPUS WRIT PETITION No. - 177 of 2024

**Petitioner :-** Jagat Narayan Mishra Thru. Her Daughter Smt. Sushila Devi

**Respondent :-** State Of U.P. Thru. Secy. Home Deptt. Lko. And 7 Others

**Counsel for Petitioner :-** Ravindra Pandey

**Counsel for Respondent :-** G.A.,Anshuman Srivastava,Sunil Sharma

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

Heard Sri Ravindra Pandey, learned counsel for the petitioner, Sri Sunil Sharma, learned counsel for the respondent nos.4 to 8 and Sri Ashok Kumar Singh, learned A.G.A.-I for the State.

The instant writ petition has been filed seeking following main relief:-

*"(I) Issue a writ order or direction in the nature of Habeas Corpus thereby directing the opposite parties to produce the petitioner before this Hon'ble court and set him at liberty to reside with his daughter."*

Learned counsel for the petitioner submits that father of the petitioner, namely, Jagat Narayan Mishra is forcefully kept by the opposite parties no.4 to 8 without any authority of law whereas the petitioner is real daughter of the detenu.

He further submits that in this regard, the petitioner has moved an application before the Superintendent of Police, Ambedkar Nagar on 11.06.2024 and an application before the District Magistrate, Ambedkar Nagar on 11.06.2024 and also an application before the Station House Officer, Police Station Mahrui, District Ambedkar Nagar by registered post, however, till date no action has been taken either for lodging of first information report or for recovery of the father of the petitioner.

On the other hand, learned A.G.A.-I for the State submits that since the petitioner has already moved the applications before the authorities concerned, therefore, he may pursue the same otherwise he has a remedy to move an application under Section 175(3) Bharatiya Nagarik Suraksha Sanhita, 2023 for lodging of the first information report. Thus, the relief sought in this writ petition cannot be granted.

After considering the arguments as advanced by learned counsel for the parties as well as after perusal of record, this Court is of the view that since the petitioner has already moved the applications before the authorities concerned, however, till date no action has been taken, thus, he has a remedy to move an application under Section 175(3) Bharatiya Nagarik Suraksha Sanhita, 2023 for lodging of the first information report or he may avail any other remedy as per law for redressal of his grievance.

With the aforesaid observations, the instant writ petition is **disposed of.**

**Order Date :- 18.7.2024**

Saurabh