

Court No. - 16

Case :- HABEAS CORPUS WRIT PETITION No. - 176 of 2024

Petitioner :- Km. Vanshita Thru. Her Father Prem Kumar

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

Counsel for Petitioner :- Panna Lal Gupta, Subrat Gupta, Uma Shanker

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed, J.

1. Heard Sri Uma Shanker, learned counsel for the petitioner and Sri Ashok Kumar Srivastava, learned A.G.A. for the State.
2. This habeas Corpus petition has been filed with the following relief(s):

"A Writ, order or direction in the nature of Habeas Corpus commanding and directing the opposite parties to produce the detenue before this Hon'ble Court and after setting her at liberty allow her to go with her father and natural guardian i.e. petitioner. "

3. Learned A.G.A. submits that an F.I.R. dated 10.05.2024 under Sections 363 and 366 I.P.C. has already been filed against the opposite party No. 4, thus the remedy is available to approach the Investigating Officer for their arrest and not this habeas corpus petition, as the F.I.R. has already been lodged.

4. After considering the arguments as advanced by learned counsel for the parties and after perusal of record, this court is of the view that an F.I.R. under Sections 363 and 366 I.P.C. has already been filed against the opposite party No. 4 and the investigation is pending. The petitioner has a remedy to approach before the competent authority for expedite investigation and for the arrest of the opposite party No. 4. This court cannot grant the relief as prayed in this habeas corpus petition. The petitioner has a remedy to approach the correct forum for redressal of his grievance.

5. With these observations, this habeas corpus petition is finally **disposed of.**

Order Date :- 16.7.2024

Arvind