

Court No. - 16

Case :- HABEAS CORPUS WRIT PETITION No. - 186 of 2024

Petitioner :- Sapna Mishra (Minor) Thru. Her Natural Guardian Mother Kusam

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

Counsel for Petitioner :- Shashi Kant Tripathi, Anshu Tripathi

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed, J.

Heard Sri Shashi Kant Tripathi, learned counsel for the petitioner and Sri Ashok Kumar Singh, learned A.G.A.-I for the State as well as perused the record.

The instant writ petition has been filed with following main prayer:-

"I. Issue a writ, order or direction in the nature of Habeas Corpus directing the opposite party nos.4 to 6 to produce the detenue before this Hon'ble Court for giving the custody of the minor detenue to her natural guardian, in the interest of justice."

Learned counsel for the petitioner submits that an F.I.R. was lodged bearing Case Crime No.86 of 2024, under Sections 363, 120-B I.P.C., Police Station Gaura Chauraha, District Balrampur, however, till date the detenue has not been recovered. Thus, he submits that a direction be given to the Investigating Officer to recover the corpus.

On the other hand, learned A.G.A.-I for the State opposes the arguments as advanced by learned counsel for the petitioner and submits that the relief sought in this petition cannot be granted by this Court as the F.I.R. has already been lodged on 07.06.2024 in respect of the missing corpus against three named persons and the investigation is still going on. Thus, no order can be passed before the Investigating Officer submits any report.

Learned counsel for the petitioner further submits that he may be permitted to approach the competent forum for expediting the investigation of the present case.

Accordingly, in view of the statements made by learned counsel for the parties, this writ petition is **disposed of** with liberty to

the petitioner to approach the appropriate forum for redressal of his grievance.

Order Date :- 4.7.2024
Saurabh