

Court No. - 16

Case :- HABEAS CORPUS WRIT PETITION No. - 195 of 2024

Petitioner :- Pooja Dixit Thru. Husband Sushil Dixit

Respondent :- State Of U.P. Thru. Prin. Secy./ Addl. Chief Secy. Deptt. Home Lko And 3 Others

Counsel for Petitioner :- Kapil Dixit

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed,J.

Heard Sri Kapil Dixit, 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 seeking following main relief:-

"i. To issue a writ, order or direction in the nature of habeas corpus directing the opposite parties particularly the opposite party no.3 to get release the detainee / petitioner from private custody of the opposite party no.4 forthwith."

Learned counsel for the petitioner submits that the detainee is wife of the next friend, Sushil Dixit and she has been illegally detained by the respondent no.4, namely, Deepak Pandey, who is a nearby villager. He further submits that the next friend has moved an application before the Superintendent of Police, Raebareli on 05.07.2024 about the incident, however, nothing has been done yet. He further submits that the petitioner has also submitted an application before the Station House Officer, Police Station Lalganj, District Raebareli on 17.06.2024 but nothing has been done till date. He further submits that being no alternative, the petitioner has moved an application under Section 156(3) Cr.P.C. before the learned Additional Chief Judicial Magistrate-IV, Raebareli, wherein vide order dated 01.07.2024, the trial court has called for a police report from the concerned police station and the next date fixed is 18.07.2024, the same is also stated in para 15 of the affidavit filed in support of the writ petition. Thus, it has been prayed that the opposite party no.4 be ordered to produce the detainee before this Court.

On the other hand, learned A.G.A.-I for the State submits that the detainee is major and she is free to live anywhere with whom she wants to live. He further submits that since the petitioner has already moved an application under Section

156(3) Cr.P.C. before the learned Additional Chief Judicial Magistrate-IV, Raebareli, wherein vide order dated 01.07.2024, the trial court has called for a police report from the concerned police station and the next date fixed is 18.07.2024, therefore, the petitioner has to wait for the final order to be passed in the aforesaid application under Section 156(3) Cr.P.C. but the petitioner has approached this Court in haste. He further submits that if the petitioner is aggrieved, he may approach the concerned trial court for expeditious disposal of his application filed under Section 156(3) Cr.P.C.

In rebuttal, learned counsel for the petitioner confined his prayer to the extent that a positive direction be given to the learned Additional Chief Judicial Magistrate-IV, Raebareli to expeditiously decide the application filed by the petitioner under Section 156(3) Cr.P.C.

In view of the statements made by the learned counsel for the parties, this writ petition is **disposed of** with direction to the learned Additional Chief Judicial magistrate-IV, Raebareli to expeditiously decide the application of the petitioner filed under Section 156(3) Cr.P.C. preferably on the next date fixed i.e. 18.07.2024 or within four weeks, without granting any unnecessary adjournment to either of the parties from the date of filing of the certified copy of this order, unless there is some legal impediment or unless there is any order passed by the higher court staying the proceedings of the case.

Order Date :- 11.7.2024
Saurabh