

Court No. - 16

Case :- HABEAS CORPUS WRIT PETITION No. - 207 of 2024

Petitioner :- Nandita Vishwakarma Thru. Father Ram Chandra Vishwakarma Alias Ram Chandra

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

Counsel for Petitioner :- Sudhanshu S. Tripathi, Prashant Kumar Singh

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed, J.

Heard Sri Sudhanshu S. Tripathi, learned counsel for the petitioner, Sri Hari Shanker Bajpai, learned A.G.A.-I for the State and 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 Respondent No.2 to produce the corpus Km. Nandita Vishwakarma from the custody of Respondent No.4 (Shubham Patel @ Mithun) before this Hon'ble Court to ensure her safety, well-being and happy life."

Learned counsel for the petitioner submits that the detainee, who is aged about 18 years, is under illegal custody of the respondent no.4, namely, Shubham Patel @ Mithun, therefore, this Court may direct the opposite parties to produce her before this Court.

On the other hand, learned A.G.A.-I for the State submits that the relief sought in this petition cannot be granted as the mother of the detainee has already lodged an F.I.R. bearing Case Crime No.0070 of 2024, under Sections 363, 366, 504 I.P.C. at Police Station Baghrai, District Pratapgarh against the respondent no.4, namely, Shubham Patel @ Mithun and also against one another person, namely, Vinod Patel, wherein the investigation is going on. He further submits that if the petitioner is aggrieved, he may pursue the F.I.R. which has already been lodged.

After considering the arguments as advanced by learned counsel for the respective parties as well as after perusal of records, this Court finds that the mother of the detainee has

already lodged an F.I.R. bearing Case Crime No.0070 of 2024, under Sections 363, 366, 504 I.P.C. at Police Station Baghrai, District Pratapgarh against the respondent no.4, namely, Shubham Patel @ Mithun and also against one another person, namely, Vinod Patel, wherein the investigation is going on, as such, the relief sought in this petition cannot be granted. However, the petitioner is at liberty to pursue the F.I.R. which has already been lodged for redressal of his grievance.

The Investigating Officer is also directed to conclude the investigation of the aforesaid F.I.R. as early as possible in accordance with law.

With the aforesaid directions, the instant writ petition stands **dismissed**.

Order Date :- 22.7.2024

Saurabh