

Court No. - 16

Case :- HABEAS CORPUS WRIT PETITION No. - 226 of 2024

Petitioner :- Smt. Arati Singh And Another

Respondent :- State Of U.P. Thru. Secy. Home Deptt. U.P. Civil Sectt. Lko And 4 Others

Counsel for Petitioner :- Ajai Kumar Shukla, Nisha Devi

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed, J.

Heard Sri Ajai Kumar Shukla, learned counsel for the petitioner, 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) Issue a suitable writ, order or direction in the nature of habeas corpus commanding the opposite party no.4 and 5 to produce the detinue Arati Singh and Shrinika (Minor) before this Hon'ble Court."

Learned counsel for the petitioner submits that the detinue is legally wedded wife of the next friend i.e. Sanjay Singh as well as the petitioner no.2 is minor daughter of the next friend. On 14.07.2024, the detinue went to her parental house in Azamgarh and since then the whereabouts of the detenuess are unknown. Thus, he submits that this Court may pass a direction for production of detinue before this Court and she may be set at liberty.

He further submits that in this regard, the petitioner has moved an application before the concerned Station House Officer as well as before the D.C.P. North, Lucknow on 25.07.2024, however, till date no action has been taken either for lodging of first information report or for recovery of the detinue.

On the other hand, learned A.G.A.-I for the State submits that since the petitioner has already moved the application 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 application 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 :- 2.8.2024

Saurabh