

Court No. - 16

Case :- HABEAS CORPUS WRIT PETITION No. - 234 of 2024

Petitioner :- Khushbu Yadav (Minor) Thru. Her Father Lalu Ram Yadav

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

Counsel for Petitioner :- Kaushal Kishore

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed,J.

Heard Sri Kaushal Kishore, 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. Issue a writ, order or direction in the nature of Habeas Corpus commanding thereby directing the opposite party no.1 to 3 to produce the detenue before this Hon'ble Court for releasing her in favour of her father, who is detained under the illegal custody of opposite party no.4 to 6 by an illegal and arbitrary manner and to set her free at her liberty."

Learned counsel for the petitioner submits that the detenue is under illegal custody of respondent nos.4 to 6, thus, she may be called before this Court and set at her liberty.

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 father of the detenue had already lodged an F.I.R. on 04.05.2024 bearing Case Crime No.0198 of 2024, under Sections 363, 366, 504, 506 I.P.C. at Police Station Chanda, District Sultanpur against the respondent nos.4 to 6, wherein the investigation is going on. He further submits that if the petitioner is aggrieved by the process of investigation, he may approach the correct forum for redressal of his grievance. Thus, the present writ petition is liable to be dismissed.

After considering the entire arguments as advanced by learned counsel for the parties as well as after perusing the entire material on record, this Court is of the view that since the detenue's father had already lodged an F.I.R., wherein the investigation is going on, therefore, relief sought in this petition cannot be granted. This Court is further of the view that if the

next friend is aggrieved, he may approach the police authorities for expeditious investigation or he may approach the competent Court for suitable direction for expeditious disposal of the investigation.

Accordingly, the instant writ petition stands **disposed of**.

Order Date :- 8.8.2024

Saurabh