

Court No. - 16

Case :- HABEAS CORPUS WRIT PETITION No. - 236 of 2024

Petitioner :- Archana Singh Thru. Natural Gaurdian Father
Dhruv Raj Singh

Respondent :- State Of U.P. Thru. Prin. Secy. Home Affairs
Lko And 6 Others

Counsel for Petitioner :- Gayatri Singh,Kuldeep Pandey

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed,J.

Heard Ms. Gayatri Singh, 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:-

"Therefore, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to issue an ad-interim mandamus to the opposite parties no.2 to 3 (both inclusive) to produce the applicant's daughter before this Hon'ble Court and may release her who has been unlawfully detained by the opposite party no.- 5 to 7. Otherwise, applicant/petitioner shall suffer an irreparable loss and enormous injury."

Learned counsel for the petitioner submits that the detenue is under illegal custody of the respondent nos.5 to 7, therefore, there is threat of life to the detenue, as such, notice may be issued to the opposite parties so that she may be produced before this Court and be set at liberty.

On the other hand, learned A.G.A.-I for the State submits that he has received instructions from the Sub Inspector of Police, Police Station Gauriganj, District Amethi, wherein it has been stated that an F.I.R. has already been lodged on 27.05.2024 in respect of the incident dated 25.05.2024, bearing Case Crime No.116 of 2024, under Section 366 I.P.C. at Police Station Gauriganj, District Amethi against the Suraj Yadav, Dheeraj Yadav and Shivshanker Saroj i.e. opposite party nos.5 to 7 respectively and the investigation is going on. The said instructions are taken on record.

He further submits that as per the aforesaid instructions, the statement of the detenue was recorded, wherein she has stated that she is major and she is living with Suraj Yadav on her own

sweet will. He further submits that if there is apprehension of threat to life of the detenue, the petitioner may approach the Division Bench of this Court or he may move an application under Section 175(3) Bharatiya Nagarik Suraksha Sanhita, 2023 for redressal of his grievance. 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 as per instructions received to the learned A.G.A.-I for the State, the detenue is living with the Suraj Yadav on her own sweet will and an F.I.R. has also been lodged in respect of this incident under Section 366 I.P.C. Further, this Court is also of the view that if the petitioner is aggrieved with the investigation of the police, then he may approach the competent forum as per law for redressal of his grievance.

With the aforesaid observations, the instant writ petition is **disposed of.**

Order Date :- 12.8.2024

Saurabh