

Court No. - 16

Case :- HABEAS CORPUS WRIT PETITION No. - 248 of 2024

Petitioner :- Km. Preeti Thru. Her Mother Shanti Devi

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

Counsel for Petitioner :- Shyamji Dixit

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed,J.

Heard Sri Shyamji Dixit, 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 writ order or direction in the nature of Habeas Corpus commanding and directing to the opposite party no.4 to produce the petitioner (detenue) before this Hon'ble High Court and she may be set at liberty under the care and custody of her mother."

Learned counsel for the petitioner submits that the detenue is under illegal custody of the respondent no.4.

He further submits that in this regard, the petitioner has moved an application before the Superintendent of Police, Sitapur on 11.07.2024 and also an application before the Inspector General of Police, Lucknow on 29.07.2024, however, till date no action has been taken either for lodging of first information report or for recovery of the daughter of the petitioner.

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, she may pursue the same otherwise she 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, she has a remedy to move an application under Section 175(3) Bharatiya Nagarik Suraksha Sanhita, 2023 for lodging of the first information report or she may avail any other remedy as per law for redressal of her grievance.

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

Order Date :- 23.8.2024

Saurabh