

Court No. - 16

Case :- HABEAS CORPUS WRIT PETITION No. - 252 of 2024

Petitioner :- Chandni Thru. Her Father Waseem

Respondent :- State Of U.P. Thru. Prin. Secy. Home Lko And 9 Others

Counsel for Petitioner :- Sheikh Mohammad Ali

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed,J.

Heard Sri Sheikh Mohammad Ali, 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. To issue a writ, order or direction in the nature of habeas corpus directing the opposite parties to produce the corpus of detainee namely Chandni at the earliest before this Hon'ble Court and set her free in favour of the applicant."

Learned counsel for the petitioner submits that the detainee, namely, Chandni is under illegal detention of respondent nos.4 to 10, thus, she may be set at liberty and the custody of the corpus be given to her father.

On the other hand, learned A.G.A.-I for the State submits that father of the corpus has already lodged an F.I.R. bearing Case Crime No.0076 of 2024, under Section 363, 506 I.P.C. at Police Station Hardutt Nagar Girant, District Shravasti on 22.04.2024 and during the course of investigation the father of the corpus had filed a Criminal Misc. Writ Petition No.4250 of 2024 before the Division Bench of this Court, wherein the Division Bench of this Court vide order dated 20.06.2024 directed the learned A.G.A. to file an affidavit of the Investigating Officer concerned with regard to the active investigation and the matter was listed on 04.07.2024.

He further submits that the Division Bench of this Court vide order dated 04.07.2024 directed the Superintendent of Police, Shravasti to inform the Court regarding necessary steps taken in the matter. The order dated 04.07.2024 is being reproduced hereunder:-

"Learned AGA states that the chargesheet was prepared dated 05.06.2024, but the same is pending for legal advice.

Superintendent of Police, District Shrawasti shall take necessary steps taken in the matter within a week and inform the Court.

List this case in the next case list. "

He further submits that the said writ petition is already pending, therefore, the petitioner may approach the Writ Court. The relief sought in this petition cannot be granted.

After considering the arguments as advanced by learned counsel for the parties and after perusal of record, this Court is also of the agreement with the arguments as advanced by learned A.G.A.-I for the State, as the F.I.R. has already been lodged in this case and the Division Bench of this Court has already passed the orders dated 20.06.2024 and 04.07.2024 and the writ petition is still pending before the Division Bench of this Court, thus, the matter is sub-judice before the Division Bench of this Court, therefore, this Court cannot pass any order at this stage. The petitioner may approach the Division Bench of this Court and pursue the writ petition which is still pending.

With the above observations, the writ petition stands **disposed of.**

Order Date :- 28.8.2024
Saurabh