

Court No. - 16

Case :- HABEAS CORPUS WRIT PETITION No. - 258 of 2024

Petitioner :- Km. Saniya Thru. Her Mother Smt. Hajara

Respondent :- State Of U.P. Thru. Prin. Secy. Ministry. Of Home Affairs Lko. And 3 Others

Counsel for Petitioner :- Mohd. Murtaza Hasan, Anshuman Srivastava, Sadiya Khan

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed, J.

Heard Sri Mohd. Murtaza Hasan, 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 commanding the opposite parties to produce the corpus of detainee namely Km. Saniya in the court and be set free so that Smt. Hajra may have her custody."

Learned counsel for the petitioner submits that the detainee is under illegal custody of respondent no.4, therefore, she may be called before this Court and be set at liberty.

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. on 24.08.2024 against the respondent no.4 bearing Case Crime No.0501 of 2024, under Section 87 and 137(2) of Bhartiya Nyaya Sahinta at Police Station Madiyaon, District Lucknow in respect of the incident dated 22.08.2024. He further submits that there is direct allegation in the F.I.R. against the respondent no.4, Vikas Kumar Ravath and the matter is being investigated. He further submits that the present writ petition has been filed within a week after lodging of first information report and if the allegations will be found true, then necessary action will be taken against the respondent no.4. He further submits that the police is expediting the investigation in the matter.

After considering the arguments as advanced by learned counsel for the respective parties, this Court finds that the F.I.R. has already been lodged by the father of the corpus and investigation is going on, therefore, no relief can be granted and

if the petitioner is aggrieved, he may approach the police authorities for expediting the investigation or may avail any other remedy in accordance with law.

With the above observation, the instant writ petition stands **disposed of.**

Order Date :- 3.9.2024

Saurabh