

Court No. - 16

Case :- HABEAS CORPUS WRIT PETITION No. - 269 of 2024

Petitioner :- Kumari Sachi Tiwari (Minor) Thru. Her Father Abhimanyu Tiwari @ Abhimanyu Das

Respondent :- State Of U.P. Thru. Prin. Secy. Home Lko And 4 Others

Counsel for Petitioner :- Jitendra Kumar Pandey, Ankit Pandey

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed, J.

Heard Sri Jitendra Kumar Pandey, 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 parties to produce the detenue namely Sachi Tiwari before this Hon'ble Court and handed over to her custody of the father after considering the all paramount consideration of the minor girl detenue."

Learned counsel for the petitioner submits that the detenue, namely, Kumari Sachi Tiwari is a minor daughter of petitioner aged about 17 years and she has been illegally detained by the respondent nos.4 & 5 and her whereabouts are not known, thus, this Hon'ble Court may issue a direction to the respondent nos.4 & 5 to produce the detenue before this Court and her custody may be handed over to her father i.e. the next friend of the detenue.

He further submits that a non bailable warrant has also been issued against the detenue in Case Crime No.201/2019, under Sections 302, 147 I.P.C., Police Station Indira Nagar, District Lucknow by the learned Additional District Judge, Court No.8, Lucknow. He has also annexed a copy of non bailable warrant as annexure no.1 to the writ petition.

On the other hand learned A.G.A.-I for the State submits that as per the case set up by the petitioner, the detenue, who is minor girl aged about 17 years was taken by the respondent nos.4 & 5 illegally and it is a case of abduction/kidnapping, thus, the next friend of the detenue may lodge first information report against

the respondent nos.4 & 5 as the whereabouts of the detenue is also not known and even it is also not known that whether she is alive or not.

He further submits that since there is a non bailable warrant issued against the detenue and she is not traceable, thus, the petitioner has adopted a ploy by filing this writ petition so that some order may be passed by this Court, as such, the present writ petition is totally misconceived and is liable to be dismissed and no relief can be granted by this Court.

After considering the over all facts and circumstances of the case and after perusal of records, this Court is satisfied with the arguments as advanced by learned A.G.A.-I for the State that the detenue was taken away by the respondent nos.4 & 5, thus, it appears a case of kidnapping/abduction and even as per document annexed as annexure no.1 to the writ petition, there is a non bailable warrant issued against the detenue, thus, the relief sought in this writ petition cannot be granted. The petitioner may adopt any other remedy in accordance with law for redressal of his grievance.

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

Order Date :- 17.9.2024
Saurabh