

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (H.C.) No. 13 of 2015**

Roop Singh Sahu S/o Thandaram Sahu Aged About 38 Years R/o Village Chhapora, P.S. And Tahsil Malkharoda, District Janjgir Champa Chhattisgarh

---- **Petitioner****Versus**

1. State Of Chhattisgarh through Secretary Home Department Mahanadi Bhawan, Mantralaya, Naya Raipur District Raipur Chhattisgarh
2. Superintendent Of Police Janjgir Champa District Janjgir Champa Chhattisgarh
3. Station House Officer Police Station Malkharoda, District Janjgir Champa, Chhattisgarh
4. Kamal Kishor S/o Kanhaiya Lal Aged About 23 Years R/o Village Chhapora, P.S. & Tahsil Malkharoda, District Janjgir Champa Chhattisgarh

---- **Respondents**

For Petitioner:-

Shri Tarun Dansena, Advocate.

For Respondents/State:-

Shri UNS. Deo, Govt. Advocate

Hon'ble The Chief Justice**Hon'ble Shri Justice P. Sam Koshy****Order On Board****Per Navin Sinha, Chief Justice****20/08/2015**

1. The Petitioner is the father of the 16 year old girl who has gone missing for which he has lodged a police report on 14.12.2014 under Section 363 IPC and seeks recovery. His daughter was studying in School. Suspicion is against Respondent No.4.

2. The Petitioner in the First Information Report has himself stated that a month earlier also, Respondent No.4 had taken away his daughter to his house. The Petitioner brought her back with the help of co-villagers after pacifying matters on the assurance by the father of Respondent No.4 that his

son would not repeat the act. Therefore, the suspicion against Respondent No.4.

3. The counter affidavit filed by Respondent Nos.1 to 3 states that during investigation, the Petitioner, his wife and friend of his daughter, one Puja Sahu, named in the First Information Report also had stated that the Petitioner's daughter and Respondent No.4 were known to each other and had earlier also gone away together. The police was carrying out investigation and raids. It had located the mobile number of Respondent No.4 – 9644776385 and was monitoring it through the service provider till it came to be switched of somewhere in Sarangarh in the District of Raigarh. The further progress report in investigation filed by an affidavit dated 22.7.2015 states that Respondent No.4 was using another mobile phone – 8878911939 and steps have been taken to monitor the same also. Efforts were made to trace out the missing girl in the NTPC area, village Lara, District Raigarh. Raids have also been conducted at village Chourapara where the friends of Respondent No.4 have also been interrogated apart from further efforts being made to trace the victim girl. A further report filed today states that investigation is in progress, details of which have been mentioned including complete information with regard to mobile number – 8878911939. Efforts are also being made to make inquiries outside the State.

4. Learned Counsel for the Petitioner states that till date, his daughter has not been recovered.

5. It is apparent from the pleadings in the Writ Petition that the Petitioner's daughter has not been kept in illegal custody of the State or authorities to invoke the writ of the Habeas Corpus. If she was a minor, and had been “taken away” or “enticed” by Respondent No.4, it may constitute an offence under the Indian Penal Code. The First Information Report lodged by

the Petitioner is already being investigated by the police. The counter affidavit also reveals that it has transpired during investigation that the boy and the girl were known to each other. The rest is a matter for investigation. The three affidavits filed by the police therefore leave us satisfied that the police is discharging its statutory responsibility of investigation. We are not satisfied that the present matter calls for further monitoring by us.

6. It is expected that the police will complete the investigation expeditiously in accordance with law and submit final report before the Court concerned at the earliest and there shall be no laxity merely because the Writ Petition is being disposed by us.

7. At this stage, with regard to matters like the present, we may also notice the availability of appropriate remedy for the aggrieved under Section 97 of Cr.P.C before the concerned authority.

8. The Writ Petition stands disposed.

Sd/-
(Navin Shiha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE