

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (HC) No.17 of 2016**

Mongra Bai, W/o Santosh Netam, aged about 35 years, R/o Village Silpahri, P.S. Sirgitti, District Bilaspur, Chhattisgarh

---- **Petitioner**

versus

1. State of Chhattisgarh, through Secretary, Home Affairs, Mahanadi Bhavan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Superintendent of Police, District Bilaspur, Chhattisgarh
3. Station House Officer, Police Station Police Station Tarbahar, Bilaspur, Tahsil and District Bilaspur, Chhattisgarh
4. Sandeep Banjare, R/o Keshla, P.S. Pamgarh, District Janjgir-Champa, Chhattisgarh]
5. L.R. Ratre, R/o Kera Colony, Janjgir, District Janjgir-Champa, Chhattisgarh

---- **Respondents**

For Petitioner : Ms. Nirupama Bajpai, Advocate

For State/Respondents No.1 to 3 : Shri Arun Sao, Deputy Advocate General

Hon'ble Shri Deepak Gupta, Chief Justice

Hon'ble Shri Justice Sanjay Agrawal

Order on Board

Per Deepak Gupta, Chief Justice

15.11.2016 (In Chamber)

1. By means of this writ petition, the mother has alleged that her minor daughter was kidnapped and is being used by some of the private Respondents by illegal and nefarious activities. On the last date of hearing, i.e., 8.11.2016, after considering all the aspects, we had passed the following order:

“Pursuant to the order dated 26.10.2016, Ku. Pinki Netam has produced in Court. She was questioned as to what was her age and she answered that she does not know what her age is. However, to us, she definitely appears to be above 15 years age and she could be an adult also of more than 18 years age. She is reluctant to go back to her parents and has expressed her reluctance to go back with them because of alleged misbehaviour towards her. She further states that she is a member of a cultural troupe and she has come back from Pune to attend before this Court. According to her, one Shanta Bai is the head of the troupe.

We are not completely satisfied as to what cultural activities this troupe performs and the Police is directed to investigate into the matter.

We direct that Ku. Pinki Netam shall be kept in the Mahila Ujawal Home till the next date.

In the meantime, one lady constable will take her to Chhattisgarh Institute of Medical Sciences (CIMS) for radiological test and dental test in order to determine the exact age of Pinki Netam.

List it on 15.11.2016 along with age report of Doctors.”

2. Shri Arun Sao, Deputy Advocate General has produced a report of the doctor which clearly indicates that the girl, who was alleged to be minor, is actually aged about 19 years.
3. Today, we have taken up the matter in chamber before lunch. Ms. Nirupama Bajpai, Learned Counsel for the Petitioner has requested that the parents may be permitted to meet the girl. We permit them to do so.
4. After lunch, we have taken up the matter in chamber again. The mother/Petitioner stated that she has talked with her daughter. Thereafter, we have called the daughter and asked what does she want to do. She clearly states that she does not want to go with her parents. She is an adult and we cannot compel her to go anywhere. Therefore, we direct the police to immediately release her and she is free to go where she wants.
5. The writ petition is disposed of in the aforesaid terms.

Sd/-

(Deepak Gupta)
CHIEF JUSTICE

Sd/-

(Sanjay Agrawal)
JUDGE