

HON' BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON' BLE SRI JUSTICE T. AMARNATH GOUD

W.P. No. 20249 of 2017

ORDER:- (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

This writ petition is filed in the nature of writ of habeas corpus seeking a direction to the 3rd respondent to produce K. Bharghavi, daughter of the petitioner, before this Court and set her at liberty.

The present petition is filed on the ground that the alleged detenu is pursuing I Year Degree at Srinivasa Degree College, Kalikiri. While so, on 16.01.2017, at about 09:00 a.m. the detenu went to college, but did not return home even after 06:00 p.m. On that day, the petitioner searched for her everywhere with the help of their villagers, but she was nowhere to be found. The petitioner, on 19.01.2017, lodged a report requesting the police to trace whereabouts of his daughter and the police registered it as a case in Crime No. 10 of 2017 for the offence "missing girl".

Pursuant to the order dated 08.08.2017 passed by this Court, the Circle Inspector of Police, Vayalpad Circle, Chittoor District has filed counter affidavit *inter alia* stating that on 09.09.2017, he along with staff went to Sri Shirdi Sai P.G. Boys Hostel, 1st Main, 7th Cross, BTM 2nd Stage, Bangalore and examined Chandrakala, who is the sister of suspected accused

– D. Venkatramana. He also examined D.Padmavathi and Bhaskar Reddy, who are mother and friend of D. Venkatramana but did not get any clues. On 10.09.2017, the Inspector of Police caused enquiries about the suspected accused and the missing girl however got no clues. On 11.09.2017, he examined the petitioner, who is the father of the missing girl, and based on his statement that D.Venkatramana, Chandrakala, Doraswamy, Pawan, Reddy Shekhar, D.Sreenivasulu and D.Padmavathi are responsible for the missing of his daughter, Section of law was altered from “Girl Missing to Section 363 read with 34 IPC. Subsequently, on 11.09.2017, he addressed a letter to the Superintendent of Police, Chittoor, requesting to obtain call details of Cell Phone Nos.9148763097, 9141666225, 9704898251, 9743654984, 9620086919, 9505319366, 8978285724, 9652403884 & 8179542199 of the suspected persons. Since the petitioner stated that the suspected accused are aware of the entire episode and they know the whereabouts of D.Venkatramana and the missing girl, on 20.09.2017, the Inspector of Police issued Notice u/s/ 41(A) Cr.P.C. to the suspected accused Nos.2 and 7 i.e. Chandrakala and D. Padmavathi. They stated that they do not know whereabouts of D.Venkatramana and the missing girl. On 23.09.2017, one of the villagers of Kathivaripalli village i.e.

Gattamreddy Sreenivasa Reddy (LW5) and friend of D.Venkatramana i.e. Kathi Kiran Kumar Reddy (LW6) came to the Circle Office and informed that they received phone calls from 04524361078 and 04522531757 made by D. Venkatramana. They further stated that D.Venkatramana and the missing girl are staying in the State of Tamil Nadu, but they could not get of their exact location. Based on the statement of LWs.5 and 6, the Circle Inspector verified phone numbers and came to know that they pertain to Coin Box situated at Narimedu area of Madhurai City of Tamil Nadu State. It is further stated in his counter affidavit that on 27.09.2017, the police enquired with the petitioner as to whether he received any phone calls from his daughter. The petitioner stated that on 23.09.2017, he received a call from Phone No.04522531757 from his daughter/missing girl who informed him that she is staying in the State of Tamil Nadu along with D.Venkatramana. Based upon the statements of LWs.5 and 6 and of the petitioner and the enquiry conducted by the Inspector of Police, he deputed two constables to Madhurai. The petitioner's cousin Madhav and one villager by name Srinivasula Reddy accompanied the police, who caused enquiries about the missing girl and D.Venkatramana but got no clues. They also enquired with the owners of the Coin Box but did not get any clues.

It is not in dispute that the petitioner received two calls on 23.09.2017 from his daughter. The first call at 08.29 P.M. which lasted for 2.13 minutes and another call at 08.31 P.M. which lasted for 18.44 minutes. The suspected accused – D.Venkatramana contacted LW5 on the night of 23.09.2017 and talked to him.

It is established that the petitioner is in contact with his daughter and well aware of her whereabouts and that she did go with D.Venkatramana and is staying with him on her wish.

The missing daughter was born on 01.01.1999 as per the School Certificate procured during the course of investigation. She is major. She gave all the information that she is staying with D.Venkatramana out of her wish and there is no pressure from any corner. It seems, the missing girl has eloped with D.Venkatramana and thereafter married and staying with him as his wife.

In view of the facts recorded above, we direct the respondents to continue their efforts to trace D.Venkatramana and the missing girl, but if, at any point of time, they come to know that both got married and receive any proof thereof, the respondents shall not take any coercive steps against them. If the material is otherwise the respondents are free to take action as per law.

With the above directions, the writ petition is closed as no further orders are required to be passed. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

27.12.2017

SURESH KUMAR KAIT, J

bcj

T.AMARNATH GOUD, J

