

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (HC) No. 21 of 2019**

- Smt. Rekhabai Jangade W/o Chhabil Das Jangde Aged About 56 Years R/o Village – Dandgaon, Police-Station - Pathariya, District – Mungeli, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its The Superintendent of Police, District – Mungeli, Chhattisgarh.
2. The Station House Officer The Police-Station – Pathariya, District – Mungeli, Chhattisgarh.
3. Anil Diwakar S/o Motichand Diwakar Aged About 27 Years,
4. Motichand Diwakar S/o Shivchand Aged About 60 Years,
5. Smt. Kalibai W/o Motichand Diwakar Aged About 56 Years,
6. Rajendra Diwakar S/o Motichand Diwakar Aged About 30 Years,
7. Smt. Archana Diwakar W/o Rajendra Diwakar Aged About 26 Years,

Respondents No. 3 to 7 are R/o Village - Dandgaon, Police-Station - Pathariya District – Mungeli, Chhattisgarh.

8. Sub Divisional Magistrate (Rev.) Tahsil Pathariya, District Mungeli, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Ravi Maheshwari and Shri B.L. Sahu, Advocates.
For Respondent/State	:	Shri R.S. Baghel, Deputy Advocate General.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Justice Parth Prateem Sahu, Judge****Order on Board****Per P. R. Ramachandra Menon, Chief Justice****11.07.2019**

1. The Petitioner, who is the mother of detainee namely Ku. Ranjana Jangade, is before this Court alleging that the detainee was virtually kidnapped by the private Respondents herein.

2. According to the Petitioner, there was no valid marriage between the detainee and the 3rd Respondent and various offences committed by him have been brought to the notice of Police, but they have not taken appropriate steps in accordance with law. The detainee was under illegal detention of the private Respondents and hence the writ petition with the following prayers:

“10.1 The Hon'ble Court may kindly be pleased to issue a writ/writs or order/orders to direct the concern Respondent authority to appear Ku. Ranjana Jangde D/o Chhabil Das Jangde & taken statement freely, i.e. where & whom to live.

10.2 The Hon'ble Court may kindly be pleased to issue a writ/writs or order/orders to direct the concern Respondent authority to lodge FIR against Anil & family members.

10.3 Any other relief may also be granted to the petitioner, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

3. When the matter is taken up for further consideration, the learned counsel representing the State / Police submits that the detainee was traced out on 17.06.2019, i.e. on the previous day of filing of the writ petition in this Court and after completing the procedural formalities, she has been handed over to the parents on 18.06.2019.
4. The fact that the detainee has been handed over to the parents is conceded by the Petitioner, who is none other than the mother of the detainee. But according to the learned counsel, the grievance still remains with regard to the further course of action to be taken against the culprits, as no case has been registered by the Police against them under the relevant provisions of law.
5. The scope of the writ of 'Habeas Corpus' cannot be widened with regard to the remaining grievances, as sought to be projected before this Court. The purpose of writ petition is entirely different and since the Petitioner concedes that the detainee has been traced out and the custody has been given to the parents,

there is no question of illegal detention as on date. The writ petition stands closed without prejudice to rights and liberties of the Petitioner to pursue other appropriate proceedings in accordance with law, with regard to the subsisting grievances, if at all any.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge