

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO.2052 OF 2015**

Jayganesh Sitaram Tiwari ...Petitioner

Vs.

The State of Maharashtra & Ors. ...Respondents

Adv. Mr. Swatesh Tripathi i/b Mr. Ram Mani Upadhyay for the petitioner.

Mrs. M.M. Deshmukh, APP for the State.

**CORAM : INDRAJIT MAHANTY &
N.B. SURYAWANSHI, JJ.**

ORDER RESERVED ON : 30TH SEPTEMBER, 2019.

ORDER PRONOUNCED ON : 4TH OCTOBER, 2019.

ORDER : (Per N.B. SURYAWANSHI, J.)

This is a Writ Petition seeking a writ of Habeas Corpus, filed by a husband claiming that his wife Mrs. Anita Jaiganesh Tiwari disappeared on 6th November, 2011, when the petitioner and his wife alongwith their children went to the house of his elder brother.

2. The petitioner filed missing report, which was registered at Deccan Police Station, Pune, in Station Diary at Sr. No.33/2011, on 6th November, 2011.

3. Notice was issued in this Petition on 13th August, 2015 and since then the matter is being taken up on various dates. The respondents/State has filed its reply and has narrated the efforts taken by the investigating agency to trace the missing wife of the petitioner. From time to time, reports were submitted to this court by the investigating agency. The last report is dated 30th September, 2019. The said report also narrates the efforts taken by the investigating agency and the statements recorded during the course of investigation.

4. In the present petition, there is no allegation of any confinement of the missing wife of the petitioner. The wife of the petitioner being adult woman, has on her own accord, left the company of the petitioner and relatives, as is evident from the narrations in the Petition. In spite of best possible efforts on the part

of the investigating agency, they could not trace out the missing wife of the petitioner, who is missing since 2011, more than 8 years period is lapsed since then. In these circumstances, we are of the considered view that the present Petition cannot be entertained any further and the same needs to be disposed of. Hence, the following order :-

ORDER

- (i) The respondents to continue with the investigation of missing complaint of the petitioner.
- (ii) The petitioner is at liberty to pursue the missing complaint and to avail other remedies available in law, if so advised.

With these directions, Writ Petition is disposed of.

(N.B. SURYAWANSHI, J.)

(INDRAJIT MAHANTY, J.)