

THE HONOURABLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No.35526 of 2015

ORDER:

Heard learned counsel for the petitioner as well as learned Government Pleader appearing for the respondents 1 to 4.

2. The prayer sought in the writ petition is as under:-

“...to issue a Writ, order or direction and more particularly one in the nature of “Writ of Mandamus” declaring the action of the respondents in not taking appropriate action upon the complaint of the petitioner and in not tracing and finding out the minor daughter of the petitioner and the consequential action of the respondents in failing to register an offence of kidnapping in FIR.No.670/2015 Dated 13.10.2015 further failing to take appropriate action against 5th respondent making the 5th respondent as accused in FIR.No.670/2015 Dated 13.10.2015 as being illegal, arbitrary and unconstitutional and consequently direct the 4th respondent to forthwith take effective and appropriate urgent action and trace out the minor daughter of the petitioner and register a case of Kidnapping and various applicable provisions of IPC against the 5th respondent and to pass such other order or orders as the Hon’ble Court may deem fit and proper in the circumstances of the case.”

3. The 3rd respondent filed a counter-affidavit denying the averments made in the affidavit filed in support of the writ petition and contended *inter alia* that pursuant to the complaint lodged by the petitioner herein, a case in Crime No.670 of 2015, dated 13.10.2010, was registered. During the course of investigation, the respondent

police examined and recorded the statement of the petitioner/complainant and other witnesses. Later, they visited the house of the petitioner and caused enquiry about the missing girl. Then the police prepared look-out notices and forwarded to all the Station House Officers in Cyberabad, Hyderabad, Secunderabad and bordering Districts i.e., Ranga Reddy and Medak, with a request to intimate if the missing girl is traced in their respective jurisdiction to Miyapur Police Station through phone or VHF set. The factum of missing of the petitioner's daughter was also published in all the newspapers and also furnished the missing girl particulars in CIS application. On 10.11.2015, the missing girl's mother, by name, A.Rukmini, came to the Police Station and produced the date of birth certificate (SSC memo) and Aadhaar Card of her missing daughter. As per the SSC memo and Aadhaar Card, the missing girl was born on 05.07.1998 and her age is 17 years and 4 months on the date of missing and she was found to be a minor and she also further informs that one Md. Sohail, i.e., the 5th respondent herein, who is residing in the same locality, might have kidnapped her daughter. Basing on her statement, the section of law was altered from 'woman missing' to 'Section 366-A IPC' and a memo to that effect was also filed before the learned IX Metropolitan Magistrate, Kukatpally at Miyapur. A special team was constituted consisting of Assistant Sub-Inspector of Police and P.C.No.2645 for tracing the missing girl and apprehending the suspect, who is SSC classmate of the missing girl. On 12.10.2015, the special team visited Bidar District of Karnataka State and made

efforts to trace the missing girl. However, they could not find any clue. On 14.10.2015, the respondent police learnt that the 5th respondent was using cell phone No.9705472296 and with the assistance of special operation team of the Cyberabad, location of the above number was traced and came to know that the suspect and the missing girl are staying in Gulbarga District of Karnataka State. The special team went to Gulbarga and when contacted the missing girl on her mobile No.9010212370, she informed that out of her volition she came out of the house and her father also asked her to go away and she further stated that she wants to marry the 5th respondent. In the month of November 2015, the special team came to know through reliable sources that the missing girl and the 5th respondent herein are staying in Tirumala of Chittoor District. In fact, the respondent police have visited many places as mentioned in the counter-affidavit, but all their efforts were in vain. In fact, the father of the suspect filed a Habeas Corpus writ petition before this Court for production of his son i.e., the 5th respondent. One Mohammed Akther also filed a petition before the A.P. State Human Rights Commission, Hyderabad, stating that the suspect-5th respondent was found missing. The respondent police also filed a detailed report before the A.P. State Human Rights Commission. Since the efforts made by the respondent police ended in no result, the Miyapur Police addressed a letter to the Assistant Commissioner of Police, Miyapur, requesting to accord permission to refer the case as 'un-detectable' for the time being and if any clues about the missing girl and the suspect is unearthed, the

case will be re-opened for further investigation. The Assistant Commissioner of Police, Miyapur, vide a letter No.649/ACP-MYP/CYB/2018, dated 18.06.2018, accorded permission of filing final report referring the case as un-detectable. Accordingly, the Miyapur police filed a final report before the XI Metropolitan Magistrate, Kukatpally, Cyberabad, on 18.06.2018, referring the case as 'un-detectable'. In this regard, a notice was also given to the petitioner herein under an acknowledgment. During the continuation of the efforts and the investigation, the police received reliable information that the missing girl along with the suspect were living together in Udigir of Lathor District, Maharastra State. Immediately, the team comprising of Assistant Sub-Inspector of Police-Nagaraju, W.P.C.-Shaheda were proceeded to Udigir and traced the missing girl, who got married with the suspect i.e., the 5th respondent herein, and they were blessed with a male boy. They were brought to the Bharosa Centre and got recorded the statement of the missing girl, in which she stated that in the year 2015, she fell in love with her classmate Sohail, i.e., the 5th respondent, and she informed the same to her father/petitioner, but her father got angry and asked her to leave the house, on which she eloped with Sohail and stayed in different places by switching off their phones and moved to different places. She further stated that after attaining her majority, she took Islam on 09.05.2017 and married Sohail on 25.05.2017 and blessed with one male boy. Later, they got their marriage registered on 13.03.2018 in Ranga Reddy District. The said facts were informed to the petitioner.

In these circumstances, the case was re-opened for further investigation. Basing on the statement of the missing girl, alteration memo along with requisition for 164 Cr.P.C. statement is being filed to proceed for further investigation. After recording Section 164 Cr.P.C. statement and after finalization of the investigation, an appropriate report will be filed before the competent Court.

4. In that view of the matter, this Court is of the opinion that no further cause would survive in the writ petition and the same is liable to be closed.

5. Accordingly, the writ petition is closed.

Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

22nd November 2019

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P. KESHA RAO, J