

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**WPHC No. 8 of 2020**

- Shaikh Sameer S/o Late Shaikh Shabbir Aged About 28 Years Resident Tarbahar, Thana Tarbahar Bilaspur District Bilaspur Chhattisgarh.

-----Petitioner**VERSUS**

1. State of Chhattisgarh Through Secretary, Home Department, Government of Chhattisgarh Raipur, Chhattisgarh.
2. District Magistrate Bilaspur, District Bilaspur Chhattisgarh.
3. Superintendent of Police Bilaspur, District Bilaspur Chhattisgarh.
4. Station Incharge Arakshi Kendra Tarbahar District Bilaspur Chhattisgarh.
5. Station Incharge Arakshi Kendra Sirgitti District Bilaspur Chhattisgarh.
6. Smt. Shaheena Parvin W/o Shaikh Sameer Aged About 24 Years R/o Tarbahar Bilaspur.
7. Vinay Singh Alias Senki D/o Hadil Singh Aged About 30 Years R/o Aadarsh Nagar Sirgitti Thana Sirgitti District Bilaspur Chhattisgarh.

-----Respondents

For Petitioner	:	Mr. Abdul Wahab Khan, Advocate
For Respondent -State	:	Mr. Gagan Tiwari, Dy. G.A.

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board**Per Parth Prateem Sahu, J.****07/08/2020**

1. This petition has been filed seeking writ of Habeas Corpus stating therein that on 24-06-2020, wife of petitioner by name Shahina Parvin who is Respondent 6 herein, went out from her house to market but she did not return till 10:00 P.M. The petitioner made a complaint/ missing report to Police Station Tarbahar, Bilaspur of his wife along with his minor girl child. He subsequently revealed that his wife and his minor girl child were under illegal detention of Respondent 7, who has kept them forcefully. This made the petitioner to approach this Court by filing this writ petition.
2. Learned counsel for the petitioner submits that Respondent 6 is his legally wedded wife who went to market along with his minor girl child and both of

them have been taken into illegal custody by Respondent 7. Police authorities have not taken any action till date on his complaint, even after intimation given by him about the place and person with whom his wife and minor girl child are under illegal detention.

3. Mr. Gagan Tiwari, learned counsel representing the State submits that as per the instructions received by him, the case projected by the petitioner is not correct. He submits that Respondent 6 was traced out and after recording her statement, her custody was given to the petitioner. He also points out that as per the information given to the police by Respondent 6, there was some matrimonial dispute between petitioner and his wife (Respondent 6). The petitioner also gave physical assault to her and that might be the reason that she again left the company of the petitioner. On putting specific question to Mr. Gagan Tiwari, whether the statement of Respondent 6 as stated to have been recorded was before the Magistrate, on which he stated that it was recorded before the Police authorities.
4. Be that as it may, looking to the facts and circumstances of the case and the nature of the petition filed by the petitioner before this Court, we find it appropriate to direct the Respondent-authorities to produce Respondent 6 before the Judicial Magistrate of competent jurisdiction and get the statement of Respondent 6 recorded within one week. It is also directed that the Respondent-authorities will further proceed on the basis of the statement given by Respondent 6 before the Judicial Magistrate.
5. In view of the above observation, the writ petition stands disposed of.

Sd/-
(P.R. Ramachandra Menon)
 Chief Justice

Sd/-
(Parth Prateem Sahu)
 Judge