

CRWP-869-2020

Date of Decision: 13.02.2020.

Mubin

... Petitioner

vs.

State of Haryana and Others

.. Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms.Meenakshi Singh, Advocate, for the petitioner.

Mr. Sulinder Kumar, AAG, Haryana

VIVEK PURI, J.(ORAL)

Petitioner has instituted the present petition under Article 226 of Constitution of India alleging that the detenue (Farjana) is in illegal custody of respondents No. 4 to 9.

Short reply by way of affidavit of Sh.Ashok Kumar, HPS, DSP, Punhana has been placed on record wherein, it has been mentioned that at the instance of the petitioner, an FIR bearing No.235 dated 11.12.2019 under Sections 363 and 366 IPC has been registered at Police Station Bichhor, wherein, it has been alleged that her daughter Farjana aged about 16-17 years was found missing from the house. It has also been mentioned that the victim was traced out by the police and her ossification test has revealed her age to be 18 to 20 years. Furthermore, the victim, in her statement under Section 164 Cr.P.C recorded before learned Judicial Magistrate, 1st Class, Ferozepur Jhirka on 13.01.2020, has stated that she wants to reside with respondent No.4 instead of her parents.

In these circumstances, it emanates that the alleged detenue is major and residing with respondent No.4 at her own free will and consequently it cannot be construed that she is in illegal custody of private respondents.

In these circumstances, no further action is called for in the present petition and the same is, accordingly, disposed of.

13.02.2020.

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**(VIVEK PURI)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No