

HIGH COURT OF CHHATTISGARH, BILASPUR**WPHC No.5 of 2020**

Shailesh Dhruwe, S/o Shri Beduram Dhruwe, Aged About 45 Years, Resident of Village Mochh, Police Station and Tahsil Takhatpur, District Bilaspur, Chhattisgarh

----- Petitioner

Versus

- 1.State Of Chhattisgarh Through Department Of Home, Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur, District Raipur, Chhattisgarh
- 2.Superintendent Of Police, Bilaspur, District Bilaspur, Chhattisgarh
- 3.Station House Officer, Through Police Station Takhatpur, District Bilaspur, Chhattisgarh
- 4.Virendra Kumar, S/o Maniram, Aged About 19 Years, Caste Kurmi, Resident of Village Mochh, Police Station and Tahsil Takhatpur, District Bilaspur, Chhattisgarh

----- Respondents

For Petitioner	Mr. Sanjay Patel, Advocate
For Respondent-State	Mr. Siddharth Dubey, Dy. GA

Hon'ble Chief Justice Shri Arup Kumar Goswami
& Hon'ble Justice Shri Sanjay K. Agrawal

Order On Board

25/10/2021

1. This habeas corpus writ petition has been filed seeking appropriate writ/direction directing

the respondent authorities to search out Ku. Mamta, the daughter of the petitioner, aged about 18 years, and to release her from the illegal possession of the respondent No.4.

2. It is the case of the petitioner that his daughter, Ku. Mamta had love affair with the respondent No.4 and she has eloped with him and since February, 2019, both went missing.
3. This Court on 25.02.2020 issued notice to respondent No.4 and time was sought by the respondent State to get instructions in the matter. Thereafter on 09.03.2020, it was informed by the State that pursuant to the complaint lodged by the petitioner, an FIR No.0055 dated 01.03.2020 has been registered against the respondent No.4 at Police Station Takhatpur, District Bilaspur. It was also informed that the respondent No.4 has also lodged an FIR No.0545 dated 07.12.2019 at Police Station Badshahpur, District Gurugram, Delhi to the effect that detenue is missing. It was further informed by the State that investigation is going on and police team is proposed to be sent to Delhi to arrest the

respondent No.4 and further steps to trace the detenu are also being made and thereafter this Court directed the State to produce the detenu before it on 13.04.2020. On 03.02.2021, it was informed by the State that the respondent No.4 has been contacted and his statement has been recorded and efforts are being made to trace out the detenu. Thereafter on 28.07.2021, it was informed that the respondent No.4 has been arrested and interrogation is going on and status report was directed to be filed. On 27.08.2021, status report was filed and it was informed that since the respondent No.4 has already been arrested, the Haryana Police after making search closed the investigation. However, the respondent No.3 is making all possible efforts to trace the detenu and produce her before this Court. On the said date, the concerned Police was directed to make extensive search and produce the detenu before the Court on the next date of hearing and fresh status report was also directed to be filed.

4. We have heard learned counsel for the parties and perused the records.

5. The petitioner in para 3 of the writ petition has clearly stated that the age of his daughter, the detenu, is about 18 years and the respondent No.4 has also been arrested and since then he is in custody. Time to time pursuant to the direction issued by this Court, it has been stated by the State that all possible efforts are being made to trace out the girl and thereafter to produce her before the Court and extensive search in this regard is going on to trace the girl, which according to the petitioner is aged about 18 years.
6. Since the respondent No.4 has already been arrested and extensive search is being made to trace out the girl, we do not deem it appropriate to continue this writ petition. Accordingly, the writ petition is closed. However, the State will make all efforts to search out the daughter of the petitioner in accordance with law.

Sd/-
(Arup Kumar Goswami)
Chief Justice

Sd/-
(Sanjay K. Agrawal)
Judge