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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.955 OF 2021

Balasaheb Arun Shendge

PETITIONER

VERSUS

The Police Inspector, Police Station,
Majalgaon City and Others

RESPONDENTS

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Mr. Amar V. Lavte, Advocate for the petitioner
Mr. M. M. Nerlikar, APP for respondent - State

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[CORAM : SUNIL P. DESHMUKH AND
NITIN B. SURYAWANSHI, JJ.]

DATE : 15th SEPTEMBER, 2021

ORDER :

1. This petition seeks a relief of issuance of writ of habeas corpus thereby directing the respondents to produce Divya Arun Shendge, the sister of the petitioner, aged twenty years.
2. The petitioner claims that his sister went missing on 22nd December, 2020 at about 20.30 hours. Accordingly, a missing complaint was given, which was registered on 22nd December, 2020 as Missing Person Registration No. 0027 of 2020.
3. Thereafter, on 17th January, 2021, the petitioner lodged FIR at Crime No. 19 of 2021 for the offence punishable under section

365 read with 34 of the Indian Penal Code with Majalgaon City Police Station, District Beed, alleging that on the day of the incident Deepak Dnyanoba Alhat brought his sister Divya out of jewelry shop by holding her hand, at that time Deepak's friend Vishal Pandit brought motorcycle and Deepak, Divya and Vishal went away on the motorcycle.

4. The investigating officer has filed affidavit disclosing the steps taken during the investigation of the offence. He has stated that all possible efforts were taken for searching Divya. Even Call Detail Records of the calls between Deepak and Divya were verified. From the analysis of the CDRs, it is revealed that from the given cell number, Divya called Deepak only and there was no call to any other number. Cell phones of both – Deepak and Divya are switched off. Accordingly, search patrika was prepared by giving all the details of Divya and it was sent to all the police stations in Beed districts and LCB of Aurangabad, Jalna and Parbhani.

It is further stated that the CCTV footage collected from the jewelry shop from where Divya was allegedly abducted, reveals that Divya eloped with Deepak and Vishal on motorcycle and no force was used by Deepak at that time.

5. Learned advocate for the petitioner submitted that Divya was abducted by Deepak by using force and Vishal has helped him.

6. Learned APP, on the other hand, submitted that Divya is major and investigation has revealed that there was love affair between Divya and Deepak and Divya has willingly accompanied Deepak and she being major, she is entitled to go as per her will.

7. Considering the facts of the case and the affidavit filed by the investigating officer, we are convinced that the investigating officer is taking all the possible steps to trace Divya and *prima facie*, no force appears to have been used when Divya went missing.

8. In this view of the matter, we do not find it appropriate to entertain the present writ petition. The writ petition is, therefore, disposed of, however, the investigating officer to continue with the investigation to trace Divya.

[NITIN B. SURYAWANSHI]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE