

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPCRL No. 90 of 2021

Godabari Das

.....

Petitioner

Mr. T.K. Acharya, Adv.

Vs.

State of Odisha & Others

.....

Opp. Parties

Mr. D. Nayak, A.G.A.

CORAM:

JUSTICE S. TALAPATRA

JUSTICE SAVITRI RATHO

ORDER

01.11.2022

Order No.

08.

1. This matter is taken up through hybrid mode.
2. Mr. D. Nayak, learned Addl. Govt. Advocate appearing for the State has produced before us the report that has been submitted by I.C.C., Khallikote Police Station on 04.09.2022. What has surfaced from the report, can be gathered from the extract as reproduced below:-

“The victim was staying in her aunt’s house willfully. During her stay at Bangalore she tutors some students and earned money. She also intimated her parents regarding stay at Bangalore. When she got information her parents filed a case she returned home. The victim further stated that she willfully went to Bangalore in her aunt’s house. She was not compelled by force or induced deceitfully by anybody and nobody kidnapped her. The victim has been medically examined at CHC, Khallikote on 17.06.2022. The victim was produced before the court of JMFC, Khallikote for recording of statement under Section 164 Cr.P.C. on 17.06.2022 and the statement under Section 164 Cr.P.C. has been recorded.”

3. After locating the victim, the parents, according to the opposite parties, were intimidated. The victim was directed to stay with the parents. As stated, the police recorded her statements under Sections 161 and 164 Cr.P.C. The parents did not co-operate and did not agree to take the victim under their care or guardianship. The victim was not willing to live with her parents. In the circumstances, the victim has been placed in the care of one Kuni Jena who is a resident of village Bikrampur under Khalikote Police Station in the district of Ganjam. That lady has been reported to be an aunt of the victim. The victim has attained the age of majority by now, and as such, the police did no wrong in acting in consonance with her preference.

4. In view of such development, this writ petition has become infructuous.

5. Accordingly, this petition stands dismissed as infructuous.

6. Copy of the report of the IIC, Khallikote is made part of the record.

7. Urgent certified copy of this order be granted as per rules.

(S. Talapatra)
Judge

(Savitri Ratho)
Judge

Sukanta