

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPCRL No. 102 of 2022

Parbati Mahalik

.....

Petitioner

Mr. D.K. Ray, Advocate

-versus-

State of Odisha and Ors.

.....

Opposite Parties

Mr. S.S. Kanungo, AGA

CORAM:

JUSTICE S. TALAPATRA

JUSTICE M.S. SAHOO

ORDER

12.09.2022

Order No.

01.

1. This matter is taken up through hybrid mode.
2. Heard Mr. D.K. Ray, learned counsel appearing for the Petitioner.
3. The Petitioner has alleged that her minor daughter has been taken away from her legal custody by the Opposite Party No.4 in particular in active collaboration of the Opposite Parties No.4 to 8. But the main accusation is directed against the Opposite Party No.4. The information as regards the above occurrence was lodged to IIC, Basudevpur P.S. on 19.07.2022. The Petitioner has admitted that on the basis of the said complaint, the police has registered Basudevpur P.S. Case No.320 of 2022 under Section 363 of the IPC. It has been also

stated that the Petitioner is a minor and studying in the Class IX at one local school. From the said local school, the certificate as regards the age that has been entered in the admission register has been obtained by the Petitioner (Annexure-1 to the writ petition) to show the age of the minor girl. On 18.07.2022, the said occurrence took place and on the following day, the complaint was filed. Allegation against the police is that they are not taking any action on the complaint. As a result, the victim is still in the captivity of the Opposite Parties No.4 to 8. In the prospective fact, the Petitioner has asked this Court that a direction be issued for investigation by another police officer, as the investigating officer, who is conducting the investigation at present, according to the Petitioner, has not been carrying out the investigation with all rigours, as required in the early stage of the investigation. Even in taking action to recover the minor girl, the police is reluctant.

4. Without making any observation on the veracity of the above allegation, which is serious in nature, we shall direct the Superintendent of Police, Bhadrak to call the records including the case diary and to personally verify whether the investigation is progressing with utmost expedition or not. On the basis of such verification, if the Superintendent of Police, Bhadrak is of the view that investigation has not been progressing well, then the Superintendent of Police, Bhadrak-

Opposite Party No.2 can recall the investigation from the present investigating officer and in his place, a new investigation officer, having experience of investigation, shall be appointed with direction to take the investigation with expedition and to take all necessary actions for recovery of the minor girl of the Petitioner from the captivity of those Opposite Parties No.4 to 8. Such verification should be completed within 48 hours from the time when the Superintendent of Police, Bhadrak shall receive a copy of this order.

5. With the above direction, this writ petition stands disposed of.

6. A free copy of this order be supplied to Mr. S.S. Kanungo, learned Additional Government Advocate.

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

(S. Talapatra)
Judge

(M.S. Sahoo)
Judge