

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPCRL No.135 of 2022

Santosh Jena

.....

Petitioner

Mr. S. Mohanty, Adv.

-Versus-

State of Odisha & Ors.

.....

Opp. Parties

Mr. J. Katikia, Adv.

CORAM:

JUSTICE S. TALAPATRA

JUSTICE SAVITRI RATHO

ORDER

02.11.2022

Order No.

- 01.
1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
 2. On 06.08.2022, deep at night, the victim who is the married and major daughter of the petitioner got missing from the house of her husband. Her husband namely, Umakant Biswal filed the missing person information (Annexure-1 to this writ petition) to the IIC, Naugaon police station.
 3. In the said information, the husband revealed that the victim was having an extra-marital affair and in all probabilities, she had eloped with her paramour.
 4. We are not considering the said statement at the stage as conclusive. But we do not find any material to issue a writ of Habeas Corpus. In the circumstances, we direct the Opposite Parties No.3 & 4 to search out the victim and to ascertain her well-being.

5. Since the victim is an adult woman, if she had left the husband's company voluntarily, she cannot be forced to live with the person whom she does not like to live with.

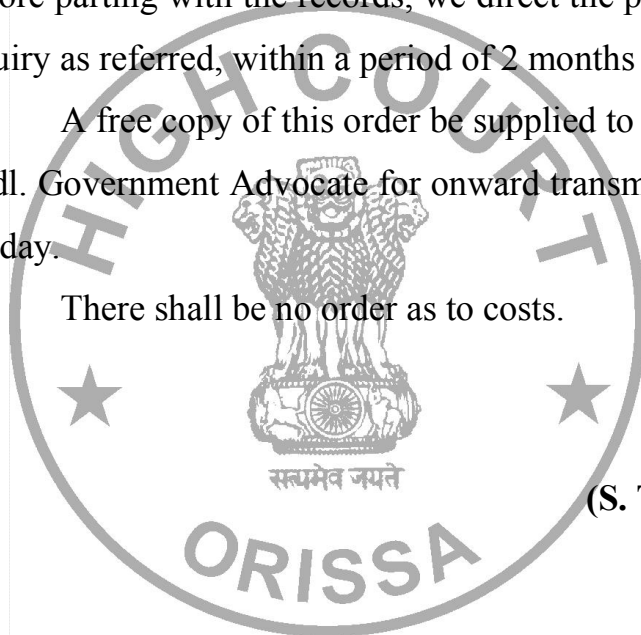
6. As such, the victim should be examined by the police to ascertain her intention and whether the victim is safe and secure.

7. On completion of such search, a report be furnished to the petitioner by the police.

8. Having observed thus, this writ petition stands disposed of. Before parting with the records, we direct the police to complete their inquiry as referred, within a period of 2 months from today.

9. A free copy of this order be supplied to Mr. J. Katikia, learned Addl. Government Advocate for onward transmission in the course of the day.

10. There shall be no order as to costs.



(S. Talapatra)
Judge

(Savitri Ratho)
Judge