

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPCRL No. 165 of 2021

Kalyani

.....

Petitioner

Mr. A.P. Bose, Advocate

-versus-

State of Orissa and Ors.

.....

Opposite Parties

Mr. S.S. Kanungo, AGA

CORAM:

JUSTICE S. TALAPATRA

JUSTICE M.S. SAHOO

ORDER

08.08.2022

Order No.

03.

1. This matter is taken up through hybrid mode.
2. Heard Mr. A.P. Bose, learned counsel appearing for the Petitioner and also heard Mr. S.S. Kanungo, learned counsel appearing for the State.
3. In our considered view, this petition cannot be considered for issuing the writ of habeas corpus, as in the entire writ petition there is no whisper even regarding unlawful private custody or about the state action of illegal detention or confinement in any form. The case of the petitioner, as gathered is that, after sending an e-mail the missing person, namely, Anshuman Mishra went missing. He informed the Petitioner that he would not live with the Petitioner for so many various reasons, as described in the e-mail. It appears that the missing person has desperately left the known places. It is not a case where the Petitioner has

locus standi to file a petition under Article 226 of the Constitution for issuing the writ of habeas corpus.

4. Hence, this petition stands dismissed. We have segregated a set of facts as adverted in the writ petition. There is serious allegation against the police, particularly against the Bharatpur P.S. After receiving the missing information, according to the Petitioner, they are sitting idle.

5. Mr. S.S. Kanungo, learned Additional Government Advocate appearing for the State has placed a report as forwarded by the IIC, Bharatpur P.S. to the Deputy Commissioner of Police, Bhubaneswar. From the report, we gather the background facts of the unsuccessful police action. That apart, the written instruction has been sent to Mr. Kanungo, learned Additional Government Advocate. From the said written instruction dated 18.02.2022, it transpires that the missing person left Bhubaneswar for Bengaluru in the morning. Bharatpur P.S. MMR No.70 dated 08.11.2021 has been registered and an enquiry ensued. Enquiry was entrusted with one Sub-Inspector, namely, S.K. Satapathy. In the course of enquiry, the E.O. verified Airport Authority, Bhubaneswar. Later Kalyani (the Petitioner) got information that her husband, Anshuman Mishra, had gone abroad. Sri Anshuman Mishra (the missing person) does a passport being No.Z5883989. To verify the passport of the missing person, the E.O. sent a request letter to FFRO, Hyderabad with E-Mail ID etc, for verification of the said passport and to unearth the location of the missing person.

6. Be that as it may, the police shall continue their sincere efforts to find out the location of the missing person, namely, Sri Ansuman Mishra. But we do not find any substance in the allegations made against the police.

7. In view of the above observations, this writ petition stands disposed of.

(S. Talapatra)
Judge

(M.S. Sahoo)
Judge

