

**223 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRWP-2241-2020

Date of Decision: 20th September, 2022

Karma

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Rakesh Kumar, Advocate for the petitioner.
Mr. Arun Luthra, DAG, Punjab

AVNEESH JHINGAN , J.(Oral)

1. This criminal writ petition in the nature of *Habeas Corpus* is filed for search of detnue-Shama(minor daughter of the petitioner).
2. As per the pleadings, respondent No.4 along with other private respondents kidnapped the detenue. FIR No. 203, dated 25th November, 2019, under Sections 363/366-A of Indian Penal Code, 1860, was registered at Police Station Sadar Kapurthala.
3. Notice of motion was issued on 28th February, 2020.
4. On 8th July, 2022, learned State counsel was granted time to file affidavit and it was further ordered to ensure the production of detenue in the Court.
5. State had filed status report dated 29th July, 2022. para 5 of the status report is quoted below:-

“That statement of alleged detenue Shama was got recorded under Section 164 Cr.P.C. On 20.03.2020 wherein she stated that she left her parental home with respondent No.4 on her own free will and respondent No.4 has not committed any misdeed with her. It is pertinent to mention

here that Ld, Court after recording her statement u/s 164 Cr.P.C. handed over custody of Shama alleged detenue to the petitioner.”

6. Learned State counsel on instructions from ASI Jaswinder Singh submits that respondent No.4 was arrested in the FIR, he expired during the pendency of the petition.

7. Shama-detenue is present in the Court and produced her Aadhar Card, photocopy of the same is taken on record. She submits that her date of birth is 14th October, 2002, she had solemnized marriage with respondent No.4 who has died. She with her own sweet will is living with her parents. Petitioner is also present in the Court and is identified by his counsel.

8. In view of the above, no cause of action survives for pursuing the petition, the petition is dismissed.

**(AVNEESH JHINGAN)
JUDGE**

20th September, 2022

Parveen Sharma

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No