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2023:PHHC:085829

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

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Date of Decision: 05.07.2023

Reeta Umesh Yadav

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Rajeev Rajan Pandey, Advocate and
Ms. Kirti Yadav, Advocate
for the petitioner.

Ms. Svaneel Jaswal, Addl.A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition herein for seeking directions to respondents No. 2 and 3 to recover the petitioner's sister-in-law, Neha (24 years old), from the illegal custody of unknown persons who misled her and took her away from the petitioner's custody.

2. Facts presented in the petition are as follows: petitioner's brother-in-law, Shubham Bajpayee (brother of the victim) filed a police complaint qua Neha having gone missing, which resulted in an FIR No.180 dated 29.06.2023 (Annexure P-1) under Section 346 IPC, registered at Police Station Rajendra Park, District Gurugram. Despite 18 hours having passed since the FIR was registered, the petitioner's sister-in-law could not

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be found. She allegedly went missing on 28.06.2023 around 2:17 pm, leaving a hand written note behind, before leaving the house. Allegedly, someone misled her, and she is now unknowingly in the wrong hands. The petitioner is concerned about Neha's safety, as she may have been illegally confined against her will.

3. The learned State counsel submits that Neha not only willingly left a note in her hand writing before leaving the house, but later also sent a voice message to her brother stating that she has got married. However, the investigation is still ongoing in the aforementioned FIR.

4. Heard.

5. It is evident that an FIR (Annexure P-1) has already been registered regarding the entire incident. Following the registration of the FIR (Annexure P-1), the petitioner, Reeta Umesh Yadav, who claims to be the guardian/sister-in-law/next friend of Neha, has filed this petition. Before leaving the house, Neha left a note written in Hindi (Annexure P-2) in her own handwriting. However, the petitioner doubts the authenticity of the note and suspects that Neha did not leave of her own accord.

6. After considering the arguments and reviewing the petition, I find that the petition lacks credibility and seems to have been filed solely because the petitioner is upset that Neha left the house of her own free will. There is no evidence to suggest that the note was not written by Neha herself. Moreover, after leaving on her own accord, Neha sent a voice message to her brother through her mobile number, stating that she got married willingly and is not interested in returning. While the authenticity of

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the voice message is a matter of investigation, it is evident that the petitioner has no standing to file this petition, as she has failed to establish her locus and cannot be considered a guardian or next friend of her sister in law who left the house voluntarily and, is an adult aged 24 years, legally competent to lead her life in the manner she feels like.

7. Nevertheless, it is expected that the police officials and the investigating officer will proceed with the FIR (Annexure P-1) in accordance with the law. The legal process will unfold in due course, and there is no basis to grant any indulgence in the present petition.
8. Being devoid of merit, the petition is dismissed. Any pending applications are also disposed of.

July 05, 2023
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(ARUN MONGA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No