HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

D.B. Habeas Corpus Petition No. 474/2024

Ramkishor son of Shri Manglaram, aged about 30 years, resident of Nayako Ka Bass, Vaya Merta City, Tehsil Riyan Badi (now Merta City), Katyasani, Katyasani Nagar, Nagaur, Presently resident of Sonamukhi Nagar, Sangariya Phanta, Jodhpur.

----Petitioner

Versus

1. The State of Rajasthan, through the Secretary of Home Affairs Department, Government Of Rajasthan, Jaipur.
2. The Superintendent of Police, Nagaur.
3. The Sho of Police Station, Thawala, Nagaur (Raj.).
4. Mr. Anda Ram S/o Ram Karan ji, aged about 50 Years, resident of near new Petrol Pump, Govindgarh Road, Village Alniyawas, Police Station Thawala Tehsil Riyan Badi (now Merta City), Nagaur.
5. Mrs. Vimla Devi wife of Anda Ram, aged about 47 Years, resident of near New Petrol Pump, Govindgarh Road, Village Alniyawas, Police Station Thawala Tehsil Riyan Badi (now Merta City), Nagaur.
6. Ramswaroop son of Anda Ram, resident of near New Petrol Pump, Govindgarh Road, Village Alniyawas, Police Station Thawala Tehsil Riyan Badi (now Merta City), Nagaur.
7. Mrs. Shobha Devi wife of Ramswaroop, aged about 26 years, resident of near New Petrol Pump, Govindgarh Road, Village Alniyawas, Police Station Thawala Tehsil Riyan Badi (now Merta City), Nagaur.
8. The Court of the SDM, Merta, District Nagaur.

----Respondents

For Petitioner(s)	:	Mr. Rajesh Choudhary (through VC)
For Respondent(s)	:	Mr. Neeraj Gurjar, AAG.

HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR
HON'BLE DR. JUSTICE NUPUR BHATI
Order

18/12/2024

This habeas corpus petition has been filed seeking production of the minor daughter of the petitioner in the Court.

2. However, from the material brought on record it appears that the petitioner had already approached the Family Court No.3 at Jodhpur which has rendered a judgment on 15th April 2024. It further appears that the petitioner had filed a petition in the Court of Sub-Divisional Magistrate, Merta and that petition was dismissed vide order dated 10th September 2024.

3. Mr. Rajesh Choudhary learned counsel for the petitioner submits that it is the order dated 10th September 2024 in case no.04 of 2024 passed by the Sub Divisional Magistrate that has compelled the petitioner to approach this Court through the present habeas corpus petition.

4. However, the learned counsel for the petitioner also admits that the petitioner has effective statutory remedy of challenging the order dated 10th September 2024 passed by Sub-Divisional Magistrate.

5. In view of availability of such statutory remedy to the petitioner, Mr. Rajesh Choudhary the learned counsel for the petitioner seeks permission to withdraw the present habeas corpus petition with liberty to the petitioner to avail of the statutory remedy.

6. D.B. Habeas Corpus Petition No. 474/2024 is disposed of with liberty to the petitioner as prayed for on his behalf.

(DR. NUPUR BHATI),J **(SHREE CHANDRASHEKHAR),J**

110-amit/pradeep/-