
(2006) 09 AP CK 0095

In the Andhra Pradesh High Court

Case No : Writ Petition No. 11453 of 2006

Borroth Sham Rao

APPELLANT

Vs

Station House Officer and Others

RESPONDENT

Date of Decision : 28-09-2006

Acts Referred:

Citation : (2006) 6 ALT 424 : (2007) 1 ALT(Cri) 1

Hon'ble Judges : J. Chelameswar, J;D. Appa Rao, J

Bench : Division Bench

Advocate : Nazir Ahmed Khan, for the Appellant; A.G., for the Respondent

Judgement

D. Appa Rao, J.—The petitioner, the brother of missing woman by name Mrs. Navarkhela Renuka, seeks her production by a writ of Habeas Corpus.

2. The petitioner alleges that the marriage of Renuka, his sister, was performed on 30.12.2005 with the 2nd respondent. The 2nd respondent is no other than his wife's brother. He further alleges that after the marriage of his sister, she joined the 2nd respondent and began residing with the respondents 2 to 6. In the first week of March, 2006. when he went to the house of 2nd respondent, he found his sister was missing. When he questioned, the 2nd respondent gave evasive replies about her whereabouts. On that, he gave a report to the Station House Officer, Moinabad Police Station, the 1st respondent herein, on 05.03.2006. He also sent a copy of the report to the Circle Inspector of Police by way of registered post, which was returned unserved. The 1st respondent is acting hand-in-glove and extending the help to the respondents 2 to 6. After lapse of two months eventually his case was registered as Crime No. 91 of 2006. Complaining that no action has been taken by the police, the present writ petition is filed.

3. The 1st respondent, the Station House Officer, Moinabad Police Station, filed counter denying each and every allegation made in the petition including the date of marriage of the alleged missing woman. He stated that the missing woman left her matrimonial house about four years back. In spite of best efforts

he could not trace her. He further alleged that the petitioner complained that his sister Smt. Renuka was married to one Naverkheli Gandhi of Attapur in the year 1992. However, in 2004 she was sent to her matrimonial house. On 05.02.2005 the petitioner's brother Dasarath went to the house of his sister Smt. Renuka and asked his sister and the brother-in-law to come to their house for Holi festival. On the next day, his brother-in-law informed him that his sister was missing. Thereupon, they searched. Basing on a complaint, a case in Crime No. 91/2006 under the head "Woman Missing" was registered. He took up investigation. He further stated that his investigation revealed that Smt. Renuka left the house about four years ago. The allegation that the missing woman is in illegal custody of respondent 2 to 6 is not true.

4. In view of the allegations, the petitioner and his mother were directed to appear before this Court and both of them were heard in camera. Having found that each and every fact by the petitioner was disputed including the date of marriage of missing woman, we directed the learned District Judge, Ranga Reddy District to examine the petitioner and the respondents and such other witnesses they intended to examine and, importantly, with regard to the date of marriage and the actual date from which she disappeared. The learned District Judge, Ranga Reddy District, submitted his report along with the statements of writ-petitioner and his younger brother and respondents 2 to 6. Four other witnesses, whom they produced, were also examined. The learned District Judge noted that the parties are villagers, not well-versed even in common Telugu language. The fact remains that Smt. Renuka is not traced and whereabouts are not known. In view of the fact that the petitioner alleges that she is missing recently, while the respondents allege that she is missing since last four years, and in the light of the contradictory versions, we deem it appropriate that there should be investigation to find out the whereabouts of Smt. Renuka.

5. In view of the submission made by the petitioner that they may not get justice in the hands of regular police and when questioned, the learned Advocate General suggested the matter be referred to C.B.C.I.D. for enquiry.

6. Considering the fact that Smt. Renuka is missing and her whereabouts could not be found out by the police, we deem it appropriate that the investigation be entrusted to the C.B.C.I.D. and report the out-come of the investigation to the appropriate Court.

7. The writ petition is disposed of with the above directions. No costs.