

(2024) 03 MP CK 0074
In the Madhya Pradesh High Court
Case No : Writ Petition No. 7258 Of 2024

Kanha Dangi

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 20-03-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 98

Citation : (2024) 03 MP CK 0074

Hon'ble Judges : Sushrut Arvind Dharmadhikari, J; Devnarayan Mishra, J

Bench : Division Bench

Advocate : Akshay Tiwari, Gaurav Singh Chouhan

Final Decision : Dismissed

Judgement

Sushrut Arvind Dharmadhikari, J

1. Heard on the question of admission.

The instant writ petition has been filed seeking the following reliefs :-

7: Reliefs :-

(A) To direct the respondents to search and produce the corpus before this Hon'ble Court as earlier.

(B) To hand over the corpus to the Husband (petitioner) of the corpus i.e. petitioner.

(C) To direct the police authorities to not to take any action against the petitioner.

(D) To pass any other appropriate order as may be deemed fit, just and expedient in the interest of justice.

2. Learned counsel for the petitioner contended that the corpus is wife of the petitioner and both of them are married. Since the respondent No.4, who is the father of the corpus was not happy with the marriage, therefore, he has

forcefully taken the corpus alongwith him which amounts to illegal confinement. The petitioner is deprived of his marital life and the respondent no.3 police is threatening the petitioner to implicate him in a false criminal case. Hence, this petition.

3. Per contra, learned counsel for the respondent/State opposed the prayer and submitted that it is not a case of illegal confinement where writ of Habeas Corpus can be issued. The Corpus may be a minor since no age proof has been annexed alongwith the writ petition. Moreover, the petitioner has already availed the alternative remedy under Section 98 of the Cr.P.C. for securing the presence on 16.01.2024, which is still pending. The respondent No.4, father of the Corpus has also lodged a missing report of the Corpus. In such eventuality, it cannot be said that the Corpus is in illegal confinement of respondent No.4. Thus, this petition has been filed only with a purpose that the police authorities may not take action against the petitioner in the light of FIR lodged by the respondent No.4. This petition is misconceived and is liable to be dismissed.

4. Heard the learned counsel for the parties and perused the record.

5. Considering the submissions advanced by the learned counsel for the parties, we find force in the submissions of the learned counsel for the petitioner. Even it is assumed that the corpus is in confinement of respondent No.4 the same cannot be said to be an illegal confinement warranting this Court to issue a writ of Habeas Corpus.

6. Accordingly, this writ petition being bereft of merit and substance is hereby dismissed at the admission stage itself.