
(2022) 10 RAJ CK 0011

In the Rajasthan High Court

Case No : D.B. Habeas Corpus Petition No. 166 Of 2022

Mishri Lal Jat

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 10-10-2022

Acts Referred:

Citation : (2022) 10 RAJ CK 0011

Hon'ble Judges : Vijay Bishnoi, J;Farjand Ali, J

Bench : Division Bench

Advocate : Bhushan Singh Charan, M.A. Siddiqui, A.R. Malkani, S.S. Gaur, Badri Prasad, P.S. Shahpura Mohalla, Bhilwara, Anu Devi

Final Decision : Dismissed

Judgement

This habeas corpus petition is filed by the petitioner stating that his minor daughter is missing since 22.05.2022 and in relation to that, he has lodged the First Information Report No.139/2022 at Police Station Shahpura, Bhilwara. It is alleged by the petitioner that the police is not making any effort to trace out his minor daughter, who is in illegal confinement of the private respondents.

Pursuant to the directions given by this Court, the police has traced out the corpus and produced her before this Court on 27.06.2022. This Court while taking into consideration the school record of the corpus collected by the Police during the course of investigation has found that the date of birth of the corpus is 30.06.2005 and, as such, she is minor. This Court interacted with the corpus in 'Camera' as well as in the open Court and the corpus has stated that she was not in illegal confinement of anybody and has also refused to go with her parents. The corpus has also stated before this Court that she wants to live with respondent No.4 - Suresh Jat.

Taking into consideration the above facts, this Court directed the respondent-State to lodge the corpus at Balika Grah, Ajmer till the next date of hearing. The corpus was again produced before this Court on 11.07.2022 and 17.08.2022,

however, on the aforesaid dates, the corpus had refused to go with her parents and insists that she is ready to live in Balika Grah, Ajmer.

Today also, the corpus is produced before this Court and we have again interacted with her and she has bluntly refused to go with her parents and stated that she will live in Balika Grah till attaining the age of majority. The corpus has also insisted that she wants to continue her study, however, her parents have not made available the requisite documents and in the absence of same, she is not able to continue her studies.

Taking into consideration the fact that the corpus is not willing to live with her parents at any cost and wants to live in Balika Grah, Ajmer and is willing to continue with her studies, we are of the opinion that no case for grant of habeas corpus is made out.

Hence, this habeas corpus petition is dismissed.

However, the corpus shall be lodged in Balika Grah, Ajmer till she attains majority. The corpus shall be made free on attaining the age of majority. The petitioner is directed to handover the requisite documents of the corpus to the Police so that the corpus can continue with her studies in the Balika Grah, Ajmer.

The corpus shall be allowed only to meet with her parents in the Balika Grah, Ajmer, if she desires so.

Stay petition also stand dismissed.