
(2012) 09 RAJ CK 0101

In the Rajasthan High Court

Case No : Habeas Corpus Petition No. 147 of 2012

Puran Mal Verma

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 07-09-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 154(3), 156(3)

Citation : (2013) 1 CDR 231

Hon'ble Judges : Raghuvendra Singh Rathore, J; Meena V. Gomber, J

Bench : Division Bench

Advocate : Sangeeta Vashistha on behalf of Mr. Anoop Dhand, for the Appellant;
Rajendra Yadav, Government Counsel, for the Respondent

Judgement

Raghuvendra Singh Rathore, J.—The petitioner has prayed that the respondents be directed to have the detenu Aarti released from the illegal detention of Respondents No. 4 and 5. Further it is prayed that Aarti be set at liberty forthwith. According to the petitioner, Aarti was married to respondent No. 4 Ratanlal Raigar in the month of Feb. 2008. It is alleged that soon thereafter the husband Ratanlal; brother-in-law; Chhotulal Raigar (Respondent No. 5); mother-in-law, and Nathu Lal (brother-in-law gainer) started torturing Aarti for illegal demand of dowry, which they had come to know in the month of May, 2012. When the petitioner enquired into the matter from the private respondents they did not give any satisfactory reply. It is further said that since then the whereabouts of Aarti is not known and therefore the petitioner lodged a report on 1.6.2012 at Police Station Todarai Singh, District Tonk and the same was recorded as Missing Person Report (MPR. No. 4). The grievance of the petitioner is that since then the police has not traced out Aarti nor they have lodged a regular First Information Report, despite of the reminder/representation having been given to the concerning officers.

2. It is an undisputed fact that when the police did not lodge a regular report the petitioner had not filed any application before the Superintendent of police u/S.

154(3) CrPC nor he had approached the concerning Magistrate and filed an application u/s. 156(3) CrPC. In other words, though petitioner did have alternative statutory remedy available even then he has approached directly to this Court. Had the petitioner approached the Magistrate concern by filing an application u/S. 156(3) CrPC, then appropriate order would have been passed for registration of regular FIR by the police station concern and the investigation would have proceeded.

But when by not proceedings in accordance to law, the petitioner has himself consumed about three months and even then he has alleged in the writ petition that the respondents are not taking any action in the matter.

3. In view of the above, we deem it just and proper to give liberty to the petitioner to approach the Magistrate Concern, by way of filing an application u/ S. 156 (3) CrPC, who shall thereupon pass appropriate orders to the Police Station concern for lodging a regular First Information Report. Thereafter the police shall immediately proceed with the investigation. The learned Magistrate is directed to ensure that the investigation in the matter is done expeditiously for which he may call for periodically report from the police and monitor the investigation until the conclusion of the same is submitted before the Court. With the aforesaid directions, this writ petition is disposed of.

A copy of this order be sent to the learned Magistrate Tadarai Singh District Tonk.