

Rajendra Vs. State of Raj. and ors

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Court : Rajasthan Jodhpur

Decided On : Nov-13-2013

Appellant : Rajendra

Respondent : State of Raj. and ors

Judgement :

D.B.HABEAS CORPUS PETITION No.13528/2013.

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Rajendra versus State of Rajasthan & Ors.Date of Order :: 13th November 2013.

HON'BLE Mr.JUSTICE DINESH MAHESHWARI HON'BLE Mr.JUSTICE VIJAY BISHNOI Mr.S.D.Goswami, for the petitioner.

Mr.B.K.Mehar, Government Counsel.

Mr.R.Bhatnagar, for the respondents.

Mr.Avdes, SI SHO, PS Chhattargarh, District Bikaner.

<><><> BY THE COURT: In this matter, notices were ordered to be issued only to the respondents Nos.1 to 6 and the learned Government Counsel accepted the notices and prayed for some time to produce the missing person before the Court.

However, today, the missing person, said to be the wife of the deceased brother of the present petitioner, has been produced before us allegedly by the respondent No.9.

The learned Government Counsel also submits that the SHO, Police Station Chhatargarh, District Bikaner is present in the Court with the case diary relating to FIR No.229/2012, Police Station Chhatargarh which was earlier lodged against the brother of the present petitioner for the offences under Sections 363 and 366 IPC and an FR has been filed in that case.

In fact, from the material placed on record, it appears that a Missing Person Report (MPR No.5/2013) has been registered at Police Station Bhanipura, District Churu at the instance of the present petitioner on 26.10.2013 wherein, the present petitioner has alleged that the wife of his deceased brother was missing since 21.10.2013.

The lady concerned is, admittedly, major in age and is also carrying advance stage pregnancy.

We have conferred with her in camera where, she has stated that she was not willing to go to the house of the in-laws related with D.B.HABEAS CORPUS PETITION No.13528/2013.

Rajendra versus State of Rajasthan & ORS.// 2 // her earlier marriage with the brother of the petitioner; and that she has now tied matrimonial relations with the respondent No.9; and, at present, she is living with the respondent No.9 and she wants to go with him only.

Having regard to the circumstances of the case, we find no reason to continue with this petition seeking issuance of a writ of habeas corpus and to pass any other order in the matter except ensuring safe passage of the lady to the place of her choice; and, of course, the directions for recording of her statements by the concerned Magistrate.

Accordingly, while this petition is dismissed, the Station House Officer, Police Station Chhatargarh, District Bikaner present in the Court is directed to ensure

safe passage of the lady present in the Court to the place of her choice and to inform the fact to the Station House Officer, Bhanipura, District Churu.

Thereafter, it shall be required of the said SHO, Bhanipura to ensure her production before the jurisdictional Magistrate for the purpose of recording her statements and further proceedings shall be taken up in accordance with such statements.

(VIJAY BISHNOI).J.

(DINESH MAHESHWARI).J.

/Mohan/

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