

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR
ORDER

D. B. HABEAS CORPUS PETITION NO. 253/2012

SANJEEV KUMAR
VS.
STATE OF RAJASTHAN & OTHERS.

DATE OF ORDER : 30.11.2012

HON'BLE MR. JUSTICE NARENDRA KUMAR JAIN-I
HON'BLE MISS. JUSTICE BELA M. TRIVEDI

Mr. Gurvinder Singh, for the petitioner.

BY THE COURT:

The petitioner has preferred this habeas corpus petition alleging that he married with Renu, who was major, but her parents and other persons have kidnapped her, whereas after marriage, the husband is the legal guardian.

2. Learned counsel for the petitioner submitted that the petitioner lodged a report in Police, but the same was not registered. Thereafter, he filed a criminal complaint before concerned Magistrate with a request to send the complaint under Section 156(3) Cr.P.C. for registration of FIR and investigation of the case. The same is pending. He also submitted that the petitioner, being husband, is guardian of the detenue Renu, therefore, necessary orders may be passed for her production before this

Court.

3. We have considered the submissions of learned counsel for the petitioner.

4. Since the petitioner has already filed a criminal complaint before concerned Magistrate, therefore, the necessary orders will be passed by the concerned Magistrate for registration of FIR and investigation of the case under Section 156(3) Cr.P.C. in accordance with law. So far as production of the detenue, Renu is concerned, the petitioner has an alternative remedy by way of an application before concerned Magistrate under Section 97 Cr.P.C. to issue search warrant in respect of his wife.

5. In these circumstances, we dispose off the habeas corpus petition with liberty to the petitioner to move an application under Section 97 Cr.P.C. before concerned Magistrate for appropriate relief.

6. It is needless to mention that the concerned Magistrate will pass necessary order in accordance with law on criminal complaint filed by the petitioner.

(BELA M. TRIVEDI), J. (NARENDRA KUMAR JAIN-I), J.

Manoj,
S. No. S. 47.

"All corrections made in the judgment/order have been incorporated in the judgment/order being emailed."

MANOJ NARWANI
JUNIOR PERSONAL ASSISTANT.