



2025:CGHC:22426-DB

**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPHC No. 5 of 2025**

Pushpa Patel W/o. Mr. Surendra Patel Aged About 43 Years Uid-4759 3744 1691, R/o. Ward No. 3, Near Shiv Temple, Gandhi Nagar, Ambikapur, Dist. Surguja (C.G.), Mobile No. 9303879427.

**... Petitioner**

**versus**

**1** - State Of Chhattisgarh Through Its Principal Secretary, Home Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur (C.G.) 492 002.

**2** - Superintendent Of Police Ambikapur, Surguja, Dist. Surguja (C.G.)

**3** - Station House Officer/town Inspector Police Station - Gandhi Nagar, Ambikapur, Dist. Surguja (C.G.)

**4** - Satish Kumar Chouhan Police Constable Batch No. 508, Ambikapur, Dist. Surguja (C.G.), Mobile – 7000688167.

**5** - Akshat Agrawal S/o. Not Known Aged About 35 Years Through Police Station - Gandhi Nagar, Ambikapur, Dist. - Surguja (C.G.)

**6** - Ram Kashyap S/o. Radheshyam Kashyap Aged About 36 Years R/o. Village - Parsapali-Sonthi, Sub Post Office- Sonthi, Police Station - Sonthi, Tehsil - Seepat, Dist- Bilaspur (C.G.) Mo. 9131273182.

**... Respondents**

(Cause title taken from Case Information System)

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For Petitioner	:	Mr. Rajkamal Singh, Advocate (through virtual mode) with Mr. Suryapratap Yuddhveer Singh, Advocate
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For Respondents/State	:	Mr. R.S. Marhas, Additional A.G.
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**Hon'ble Shri Ramesh Sinha, Chief Justice**  
**Hon'ble Shri Bibhu Datta Guru, Judge**

**Order on Board**

**Per Ramesh Sinha, C.J.**

**29/05/2025**

1. The present Writ Petition (Habeas Corpus) has been filed by the petitioner seeking recovery of the petitioner's daughter Priyanka Patel, who is being held unlawfully by the respondents No. 4 and 5 under drug influence without her consent and has been converted her into a drug addict by the respondents No. 4 and 5 and she is being sexually abused and physically exploited by the said respondents and other criminals/drug paddlers.
2. The reliefs sought by the petitioner in the present petition are as under:-

“10.1 This Hon'ble Court may please be kind enough in calling the records pertaining to petitioner's complaints & NCR No.0072/25 of PS: Gandhinagar, Surguja, Chhattisgarh. And may kindly direct a fair and proper investigation in the case against private respondents and their associates and also against the concerned negligent police officers and drug traffickers/ paddlers through any Investigating Agency headed by a First-Class Police Officer or as may be deemed fit by this Honourable Court ensuring the

**safety of the petitioner & her only son; Shivansh Patel.**

**10.2 This Hon'ble Court may please be kind enough in directing the Ld. Family Court Bilaspur Chhattisgarh to proceed u/s 215 & 379 of the Bhartiya Nagarik Suraksha Samhita 2023 for the offences committed by the respondent No.6 u/s 229 (1) of the Bhartiya Nyaya Samhita 2023.**

**10.3 This Hon'ble Court may please be kind enough in exercising supervisory jurisdiction thus passing suitable orders in respect of Judgment & Decree dated 28.03.2025 passed in Civil Suit No. 221-A/2025 by the Court of Ld. First Additional Chief Judge Mr. Niranjan Lal Chouhan of Family Court, Bilaspur or in alternate, may please grant special permission to this petitioner to challenge the validity of the said Judgment & Decree.**

**10.4 This Hon'ble Court may please be kind enough in directing resp. authorities for recovery & rehabilitation of petitioner's daughter Priyanka Patel from the medical conditions caused by her psychotropic/narcotic/physical abuse at the hands of the private respondents and their criminal associates.**

**10.5 This Hon'ble Court may please be kind enough in directing appropriate protection and adequate security for petitioner.**

**10.6 The cost, compensation & any other relief deemed fit may please also be granted in favour of the petitioner.”**

3. Learned counsel for the petitioner would submit that the daughter of the petitioner is being held unlawfully by the respondents No. 4 and 5 under drug influence without her consent. The petitioner's daughter has been converted into a drug addict by the respondents No. 4 and 5 and she has lost her mind. The Petitioner's daughter has given divorce to her husband namely- Ram Kashyap, respondent No.6 herein and left her 4 years old son namely Sivansh alone under the weak mental status owing to drug influence made by the respondents No. 4 and 5, who are sexually abusing and physically exploiting her since last many months, but the police despite complaints made by the petitioner are doing nothing in the matter and have issued NCR (Non-Cognizable Offence Information Report) No. 0072 of 2025, dated 24.03.2025 after keeping the complaint pending for almost 4 months which is highly condemnable. The petitioner has come to know that the learned Family Court, Bilaspur has passed a judgment and decree dated 28.03.2025 granting mutual divorce decree to respondent No.6 and her daughter Priyanka without taking into account the welfare of their minor son and granting his custody to his father, however granting mutual visitation right to Priyanka for visiting her son.
4. Mr. R.S. Marhas, Additional A.G. appearing for the State/respondent No. 1 to 3 would submit that the petition is not maintainable as multiple reliefs in one petition have been sought by the petitioner. He would further submit that daughter of the petitioner namely Priyanka is a major lady, who is present today in the Court, who was called in the Police Station also and her statement was recorded and she on her

own sweet will living with the respondent No.4, therefore, the present petition is liable to be dismissed on the ground of maintainability.

5. We have heard learned counsel for the parties, perused the prayer and pleadings made in the petition.
6. Considering the submissions made by learned counsel for the parties and the multiple reliefs sought by the petitioner in the petition and the fact that the daughter of the petitioner is a major lady, who has divorced from her husband and presently residing with the respondent No.4 on her own will, we do not find any ground to interfere with the present petition as habeas corpus, having not maintainable. Accordingly, the present petition stands **dismissed**, leaving open the liberty to the petitioner to avail other remedies as may be available before the appropriate forum for redressal of her grievance, if any.

Sd/-  
**(Bibhu Datta Guru)**  
Judge

Sd/-  
**(Ramesh Sinha)**  
Chief Justice