



2026:CGHC:15296-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPHC No. 8 of 2026**

Parkhit Ram Yadav S/o Mayaram Yadav Aged About 40 Years Resident
Of Village- Girgira P.S. Chandrapur District- Sakti (C.G.)

... Petitioner(s)**versus**

1 - State Of Chhattisgarh Through Its Secretary Department Of Home
Mahanadi Bhawan Atal Nagar, Raipur District- Raipur Chhattisgarh

2 - The Collector Sakti District- Sakti (C.G.)

3 - Superintendent Of Police Sakti District- Sakti (C.G.)

4 - Station House Officer Through Police Station Chandrapur District-
Sakti Chhattisgarh

... Respondent(s)

For Petitioner(s) : Mr. Manoj Kumar Jaiswal, Advocate

For Respondent(s) : Mr. Priyank Rathi, Govt. Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Ravindra Kumar Agrawal, Judge

Order on Board**Per Ramesh Sinha, Chief Justice****02.04.2026**

1. Heard Mr. Manoj Kumar Jaiswal, learned counsel for the petitioner. Also heard Mr. Priyank Rathi, Govt. Advocate for respondent/ State.

2. By way of this petition, the petitioner is seeking appropriate direction to the respondent authorities to consider the complaint dated 30.01.2026 and to release missing his minor daughter, aged about 17 year, and 08 month (petitioner's daughter) at the earliest and filed this petitioner with the following relief:-

“10.1 That, this Hon'ble Court may kindly be pleased to allow habeas corpus writ petition, in the interest of justice.

10.2 That, this Hon'ble Court may kindly be pleased to issue writ of habeas corpus with direction to respondent authorities to take appropriate legal action on missing FIR No. 20/2026 dated 24.01.2026 and to release his minor daughter (xxx) in custody of the petitioner from custody of unknown kidnapper person at the earliest, in the interest of justice.

10.3 Any other relief which may be suitable in the facts and circumstances of the case, may also be granted.”

3. The brief facts of the present case are that the petitioner, has approached this Court seeking appropriate directions in respect of his minor daughter, aged about 17 years and 08 months, who went missing on 23.01.2026 after leaving for Saraswati Pooja at Government High School, Girgira (Sidhwa Bhantha), but did not return home thereafter. Upon lodging of a missing report, the concerned Police Station Chandrapur, District Sakti (C.G.) registered FIR No. 20/2026 dated 24.01.2026 under Section

137(2) of the B.N.S., 2023 (corresponding to Section 363 IPC) against an unknown person for the offence of kidnapping (Annexure P-2). However, despite lapse of more than two months, no effective investigation has been carried out by the police authorities, and no progress has been made in tracing the minor girl, causing immense mental agony and hardship to the petitioner and his family. Being left with no efficacious alternative remedy, the petitioner has preferred the present petition seeking directions to the respondent authorities to conduct a proper investigation and secure the safe recovery of his minor daughter at the earliest.

4. Learned counsel for the petitioner would submit that the minor daughter of the petitioner, aged about 17 years and 08 months, who is a student of Class 12th, has been missing since 23.01.2026 when she had gone to attend Saraswati Puja at her school, and despite prompt lodging of FIR No. 20/2026 dated 24.01.2026 under Section 137(2) of the B.N.S., 2023 (kidnapping), the respondent police authorities have failed to conduct any effective or meaningful investigation to trace and recover the minor girl. The inaction and apathy on the part of the authorities, even after lapse of more than two months, is arbitrary, illegal and violative of the petitioner's fundamental rights, causing immense mental agony, hardship and deprivation of love and affection to the petitioner and his family members. It is further submitted that the minor girl continues to remain out of the lawful

custody of the petitioner, and there is an urgent need for immediate and proper investigation to secure her safe recovery. Hence, it is prayed that this Court may be pleased to issue appropriate directions to the respondent authorities to take expeditious and effective steps in the investigation and ensure the tracing and safe return of the petitioner's minor daughter, in the interest of justice.

5. Learned counsel for the State would submit that the present petition is not maintainable in the nature of a writ of habeas corpus, as there is no material on record to establish that the alleged detainee is in illegal or unlawful custody of any identified person or authority. The FIR has already been registered for the offence of kidnapping against an unknown person, and the matter is under investigation by the competent police authorities in accordance with law. It is a settled position that a writ of habeas corpus cannot be invoked in cases of missing persons where investigation is in progress and the custody is not attributable to any specific individual. The petitioner has an efficacious alternative remedy under the criminal law framework to pursue the investigation and seek appropriate directions before the jurisdictional Magistrate. Therefore, the present petition, being misconceived and not maintainable in law, deserves to be dismissed.

6. We have heard learned counsel for the parties and perused the material annexed with the petition.
7. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court is of the considered opinion that once the competent police authorities have already registered a missing report and pursuant to which an FIR has already been registered under the relevant provisions of the B.N.S., 2023 against an unknown person, and the matter is presently under investigation by the competent police authorities, the extraordinary jurisdiction of this Court is not required to be invoked at this stage. The relief sought by the petitioner, squarely falls within the domain of the investigating agency.
8. In this context, the Hon'ble Supreme Court in the matter of ***Kanu Sanyal v. District Magistrate, Darjeeling (1973) 2 SCC 674***, has held that a writ of habeas corpus is maintainable only where there is a prima facie case of illegal detention. In absence of any material indicating that the missing person is under unlawful detention, and when the matter is already under investigation pursuant to registration of FIR, the writ petition is not maintainable.
9. In absence of any such material, and when the matter is already under investigation pursuant to registration of missing report, this Court finds that the present writ petition is not maintainable.

10. Accordingly, the present writ petition, being not maintainable at this stage, is hereby **dismissed**, with liberty to the petitioner to take recourse to law.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice