



IN THE HIGH COURT OF ORISSA AT CUTTACK

WPCRL No.9 of 2026

Minati Jayasingh

....

Petitioner

Mr. Parash Biswal, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. Sanjay Rath,

Additional Government Advocate

CORAM:

THE HON'BLE THE CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

ORDER

23.02.2026

Order No.

04. 1. Pursuant to the order dated 3rd February, 2026, Mr. Dayanidhi Nayak, the IIC, Mancheswar Police Station is personally present before this Court.
2. The instant application under Article 226 of the Consitution of India for a writ of habeas corpus is filed by the mother of the minor victim girl on the allegation that she has been wrongfully, illegally and unlawfully detained by the opposite party no.4.
3. On the last occasion when the matter was taken up, it was submitted by the Additional Government Advocate that the minor victim girl is in the custody of mother and in fact is residing with her. The said submission was seriously disputed by the counsel appearing for the petitioner and precisely for such reason, a direction was passed on 03.02.2026 to produce the said minor girl before this Court.



4. Pursuant to the said order, the minor victim girl is produced before us. She is 17 years 01 month of age. It is submitted by the learned Additional Government Advocate that the instant writ petition is filed without filing any complaint before the police authority and since the complaint which was annexed to the writ petition reveals the incident of a day which after due investigation, the police authorities rescued the girl and handed over to the custody of the mother. According to him, on previous two occasions, the victim girl left the parental house and was rescued by the police authorities and the custody was given to the mother. He thus submits that the submission advanced on the earlier occasion was based upon one of such incidents and not the incident as alleged by the petitioner in the instant writ petition.

5. From the facts discerned in course of the hearing, there is no cavil of doubt that the minor victim girl has left home for the third time. We do not intend to delve deep into the matter whether the complaint for missing of the minor victim girl is lodged by the petitioner or not, as the minor victim girl is produced before us in compliance of the earlier direction.

6. We interacted with the girl and it is revealed that she was found living with the sister of the accused (opposite party no.4) on her own. She was immediately produced before the concerned Child Welfare Committee (CWC), who after taking into account the facts and the past incidents, directed the police authorities to keep her into a Short Stay Home where she is now living. In course of the interaction, she showed her inclination to pursue the study as she



was admitted in the 1st year of the Higher Secondary School. We further found that the School is within 500 metres radius of the present location of the Short Stay Home. It is undisputed that the victim girl is in need of care and protection and, therefore, it is the CWC who will take a conscious decision on the welfare of such minor girl. The CWC will see whether the victim girl can be admitted in the said School to pursue her study as she intend to do and all facilities shall be accorded to her by the Child Care Institution (CCI).

7. Equally it is open to the petitioner to approach the CWC for any direction, which the CWC will take into consideration depending upon the facts and the circumstances prevalent at present. Since the minor victim girl is in proper custody, we do not find any justification in keeping the instant writ petition pending; the same is hereby dismissed.

8. The personal appearance of IIC, Mancheswar Police Station is dispensed with.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge