



HIGH COURT OF JUDICATURE AT ALLAHABAD

HABEAS CORPUS WRIT PETITION No. - 67 of 2026

Km. Savita (Minor) Trough Her Natural Guardian /
Father Durga Prasad

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s) : Rakesh Kumar Mishra, Sumit Kumar
Gupta

Counsel for Respondent(s) : G.A.

Court No. - 86

HON'BLE HARVIR SINGH, J.

1. Heard learned counsel for the parties and perused the material available on record.

2. The petitioner herein lodged a first information report bearing F.I.R. No. 0353 of 2025 on 1.10.2025, stating therein that, his daughter has been enticed away by respondent Nos. 4 and 5 and the said first information report was lodged under Section 137(2) of Bhartiya Nyay Sanhita, 2023.

3. Learned AGA for the State was granted time to seek instructions vide order dated 29.01.2026, and thereafter on 10.02.2026, this Court has passed the following order:-

"1. Learned A.G.A. prays for and is granted further two weeks time to trace out the Corpus and produce before this Court on the next date of hearing.

2. List this case as fresh on 11.03.2026."

3. Learned AGA for the State has placed today some instructions, sent by Shri Gaurav Singh, Sub-inspector/ Investigation Officer of the case, before this Court, which are taken on record, according to which, initially, the investigation was handed over to Sub-inspector Preet Kumar Pandey, the then Chowki Incharge, Qasba Atarra, Police Station Atarra, District Banda, thereafter on his transfer, the investigation was transferred to Sub-Inspector Manishankar Mishra, Chowki Incharge, Qasba Atarra, Police Station Atarra, District Banda, and after his transfer, the investigation was

further handed over to Sub Inspector Gaurav Pratap Singh. However, it is not clear as to whether, aforesaid these two inspectors were transferred to some other district or in the same district and if transferred to the police station of some other district, whether they can continue with the investigation or not, the same fact has not been mentioned in the instructions.

4. Furthermore in para No.- 01 of the instructions produced today by the learned AGA before this Court, it has been stated that, the petitioner herein has alleged that, his wife has been enticed away by the respondent No. 4 and others. From the para No.- 01, it appears that, the said instructions have been prepared with **closed eyes**, as nobody bothered to ascertain the fact whether the said corpus is the wife of the petitioner or is the daughter of the petitioner.

5. The instruction produced today by learned AGA before this Court reveals that, only sham exercise of investigation has been conducted by the police officials and whatever has been stated in the instructions, mostly, the details of the victim's side have been recorded. It has been further stated that, the mobile number of the brother of the accused has been desired by the Investigating Officer and the matter is still at the stage of seeking details of telephone numbers and nothing has been advanced in the name of investigation.

6. Under such circumstances, the Superintendent of Police, Banda, is directed to file a detailed affidavit, giving the details of facts and circumstances, as to why and how the corpus could not be traced till date and he shall also highlight the failure on his part in conducting the said investigation.

7. List on 9th April, 2026 as fresh.

March 18, 2026
Gurpreet Singh

(Harvir Singh,J.)