

CASE NO.:
Appeal (crl.) 258 of 2008

PETITIONER:
STATE OF A.P & ANR

RESPONDENT:
V.YESHODHA & ANR

DATE OF JUDGMENT: 04/02/2008

BENCH:
CJI K.G. BALAKRISHNAN & C.K. THAKKER & R.V. RAVEENDRAN

JUDGMENT:
JUDGMENT
O R D E R

CRIMINAL APPEAL NO.258 OF 2008
(@SPECIAL LEAVE PETITION (CRL.)NO.2946 OF 2006)

Leave granted. Heard.

2. An Habeas Corpus petition was filed by the first respondent (mother of a married minor girl) alleging that her daughter had been missing from 4.8.2004 and that her enquiries revealed that the second respondent herein had forced her daughter to 'accompany' him. But strangely the girl's husband Madhusudhan Reddy did not take any action in the matter. The Division Bench of the High Court took cognizance of the matter and issued a series of directions to the police to trace the girl. The police filed affidavits from time to time in regard to the steps taken and reported that the girl could not be traced.

3. The High Court disposed of the writ petition by order dated 3.2.2006 with a direction to continue the investigation and produce the girl as and when traced. In the

said order dated 3.2.2006, the Division Bench made an observation about the functioning of police, that "police concerned have not taken steps which should have been taken and even after giving a long room to them, they have not done anything in the matter". The High Court also directed the Director General of Police to initiate an inquiry against the officials who were responsible for investigation of the case. Aggrieved thereby, the State filed this appeal by special leave.

4. We are informed that the detenu has herself filed an affidavit before the High Court on 20.4.2006 (after the impugned order) stating that she has married the second respondent herein and would like to stay with him. She has also contended that her forced marriage with Madhusudhan Reddy was not valid as she was then a minor. Be that as it may. The learned counsel for the appellants contended that if a girl intentionally elopes with someone and goes into hiding, it will be very difficult for the police to trace her and in the circumstances, the High Court was not justified in making the adverse comment and directing an enquiry.

5. On examination of the facts, we agree with the contention of the appellants.

The Division Bench was not justified in making the observation about the functioning of

the police officers or in ordering an enquiry against them. We, therefore, order deletion of the said observation as also the direction for enquiry contained in the impugned order. The appeal is disposed of accordingly.