

(2009) 11 AHC CK 0290

Allahabad High Court

Case No: None

Smt. Asha Devi

APPELLANT

Vs

State of U.P.

RESPONDENT

---

**Date of Decision:** Nov. 11, 2009**Acts Referred:**

- Penal Code, 1860 (IPC) - Section 120B, 342, 364, 381, 384

**Hon'ble Judges:** Uma Nath Singh, J; S.N.H. Zaidi, J**Bench:** Division Bench

---

**Judgement**

1. Petitioner-detenu Smt. Asha Devi is produced in Court pursuant to our order dated 30.10.2009. She states that the police had taken her along to the residence of her employer Sri Suneel Misra, Assistant Store Officer, Mijhaura Sugar Mill, Ambedkar Nagar, and after interrogation, she was allowed to go. However, she being a poor and helpless lady, got scared of police so much so that she stayed in fields and at different places for two days and then, without disclosing her destination to her husband and family members and without meeting them, went to her nephew's place at Kasba Bhoju, P.S. Kakotibari, District Shivasagar, Assam, wherefrom she has been produced in Court.

2. It appears that, prima facie, during investigation, police could not find any clue to fix liability on the petitioner regarding the allegation of theft of Mangal Sutra of her employer's wife, and according to her, on account of unfortunate circumstances she is placed in, she is being suspected to be involved in the offence. However, it is stated that the case in respect of theft of said Mangal Sutra, registered u/s 381 IPC has now been entrusted to C.B. C.I.D. We hope that they will carry out a fair investigation without causing any harassment to the petitioner and without exceeding their limit as provided under law. Moreover, they shall be directly reporting about the progress of investigation to the Inspector General of Police, Lucknow Range, Sri K.L. Meena. We have also perused the affidavit of Sri Meena and learnt about the efforts he has put in towards compliance of our order, and for that

as he deserves, we record a note of appreciation of this Court.

3. As regards the crime No. 100/09, registered under Sections 364, 342, 384 and 120-B IPC against the husband of petitioner and others, the Investigating Agency shall complete the investigation as provided under law in the light of the statement of petitioner recorded hereinabove.

4. Petitioner Smt. Asha Devi, at this stage, expresses her desires and makes a statement that she wants to stay with her husband peacefully in village Bhagwan Patti, P.S. Bhati, District Ambedkar Nagar. The police officers accompanying her shall ensure her safe passage to her husband's place and they shall also ensure that she is not put to any unnecessary harassment, in violation of the mandate of law in future.

5. This writ petition thus stands disposed of.