

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE PRANAY VERMA

&

HON'BLE SHRI JUSTICE VIVEK JAIN

ON THE 24th OF JUNE, 2024

WRIT APPEAL No. 1380 of 2024

(ANUJ KUMAR JAIN

Vs

THE STATE OF MADHYA PRADESH AND OTHERS)

Appearance:

(SHRI AISHWARYA SAHU - ADVOCATE FOR APPELLANT)

*(SHRI ANUBHAV JAIN - GOVERNMENT ADVOCATE FOR
RESPONDENTS/STATE)*

ORDER

Per: PRANAY VERMA

Heard on the question of admission.

2. This writ appeal under Section 2(1) of the Madhya Pradesh Uchcha Nayayalaya (Khand Nyaypeeth Ko Appeal) Adhiniyam, 2005 has been preferred by the appellant being aggrieved by the order dated 29.05.2024 passed by the learned Singh Judge in W.P.No.14383 of 2024 whereby his writ petition has been dismissed.

3. Learned counsel for the appellant has primarily contended that in the given facts and circumstances, the learned Single Judge ought to have directed the State Government to initiate departmental enquiry against the erring officers in respect of their acts whereby they have forcibly kept the wife of the appellant in wrongful confinement upon abducting her forcibly.

4. The prayer as made by the appellant cannot be granted in a writ petition under Article 226 of the Constitution of India. There is no finding recorded in duly instituted proceedings that the officers as alleged by the appellant have

actually abducted his wife and have kept her in wrongful confinement. As of now, it is only contention of the appellant which is yet to be substantiated. The facts are not admitted facts and only on the basis of the apprehension and allegation of the appellant, no departmental enquiry can be directed to be held against any officer and, that too, at the instance of the appellant. The prayer made by the appellant in this regard, hence, cannot be accepted.

5. Learned Single Judge has already granted the appellant liberty to approach the concerning Magistrate by filing an appropriate application. There is no illegality in such direction which has even otherwise not been challenged by learned counsel for the appellant. The appellant may also resort to the remedy of habeas corpus in respect of his missing wife. Thus, in view of the aforesaid, we do not find any ground to interfere in the order passed by the learned Single Judge.

6. The appeal being devoid of merit, is hereby dismissed.

(PRANAY VERMA)
V. JUDGE

(VIVEK JAIN)
V. JUDGE

sj