

It was submitted that her husband left for Malaysia on 12.08.2014 and that barring 4/5 financial remittances which were made from Malaysia, there was no contact with the husband.

Considering the peculiar facts, we requested Mr. S.V. Raju, learned ASG to appear and assist the Court as Amicus Curiae.

We are grateful for the assistance rendered by the learned Amicus Curiae who has been able to get in touch with the Indian Passport authorities as well as the Malaysian counter-parts.

A reply has been filed on behalf of Union of India stating inter alia that the husband of the petitioner holding Passport No.G9564998 left India on 12.08.2014 but the Malaysian counter parts are quite clear that there was neither any entry or exit recorded with respect to the afore-stated pass-port in the immigration department of Malaysia.

Going by the assertions made in the petition and the fact that there were financial remittances from Malaysia, one thing is quite clear that the husband of the petitioner is not being held in custody by any of the authorities in this Country. The peculiar facts of the case further disclose that the husband of the petitioner had not entered Malaysia

It is true that the whereabouts of the petitioner-husband are presently unknown.

It must be also stated that FIR No. 64 of 2014 making the same submissions was filed with Mathuragate, Police Station on 19.01.2016. The investigation resulted in a final report stating that no offence was made out, whereafter Protest Petition was filed by the petitioner and the matter is presently engaging the

attention of the additional CJM, Bharatpur.

The petitioner had also filed a complaint with the Ministry of External Affairs, Government of India.

In the afore-stated facts and circumstances, in our view, the High Court was right in observing that no case for entertaining the Habeas Corpus Petition was made out.

The petitioner is at liberty to pursue on complaint with the Ministry of External Affairs, Government of India and the proceedings in furtherance of the Protest Petition and carry on with further proceedings arising out of Protest Petition which was disposed of by the Additional CJM on 22.01.2019.

The appropriate steps can always be taken on behalf of the petitioner.

At this stage, we may only observe that since the husband of the petitioner has not been heard for last more than 8 years, the matters including the complaint as well as the consequential proceedings arising out of the Protest Petition shall be taken to logical conclusion as early as possible.

Before parting, we express our sincere appreciation for the efforts put in by Mr.S.V. Raju, learned ASG as Amicus Curiae.

With these observations, we dispose of the Special Leave Petition.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(VIRENDER SINGH)
BRANCH OFFICER