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WP-17776-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

&

HON'BLE SHRI JUSTICE PUSHPENDRA YADAV

ON THE 14th OF MAY, 2026WRIT PETITION No. 17776 of 2026*SHAIENDRA SINGH**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Priyanshu Yadav, Advocate for the petitioner.

Shri C.P. Singh, Govt. Advocate for the respondents/State.

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ORDER

Per. Justice Gurpal Singh Ahluwalia

Later on:

This petition, under Article 226 of Constitution of India, in the nature of *habeas corpus* has been filed alleging that the missing corpus is in illegal detention of the Police of Police Station Maharajpura, District Gwalior along with her three family members namely Shyamu Gurjar, Ramu Gurjar and a two year old minor son. Since allegations were against the Police Authorities, therefore, on 12/5/2026 the following order was passed:-

"A mention memo was given in the morning, and since there was an allegation of illegal detention by police, therefore, case was directed to be taken up in the second half of the day, and State counsel was also directed to either produce the corpus or to produce the case diary in a sealed cover in the afternoon.

Yashwant Goyal, SHO, Police Station - Maharajpura, District Gwalior, is present along with case diary in a sealed cover.



It is submitted by Shri Goyal that the allegation that corpus was taken in illegal detention on 11.05.2026 is false and prays for a day's time to file reply.

Time granted.

List on 14.05.2026.

Police is also directed to search for missing corpus."

2. Today when the case was called, then it was informed by Shri C.P. Singh, Government Advocate, that corpus is in her house itself but she is not ready to come to the Court and the police party is standing outside the house. Only under those compelling circumstances, counsel for petitioner took up the responsibility of keeping the corpus present before this Court at 01:00 p.m. Accordingly, in the first round, the following order was passed:-

"It is submitted by Shri C.P. Singh that the corpus is in her house itself but she is not ready to come to the Court and the police party is standing outside the house.

Counsel for petitioner undertakes to keep the corpus present before this Court at **01:00 pm**, as the distance of Dabra is hardly 50 kilometers from the Court."

3. When the case was taken up at 01:00 p.m., corpus appeared along with her two-year old minor son. It was submitted by the corpus that her husband is wanted in an offence registered under Section 302 of IPC. It was her case that she is the resident of Girgaon, District Gwalior, but as the Police is regularly visiting her house in search of her husband and in that process they were also harassing the family members, therefore she shifted to Shikshak Colony, Buzurg Road, Dabra, District Gwalior and is staying in the house of her sister. It is submitted that on 10-05-2026, corpus was kept in illegal custody by the respondents/Authorities. No FIR was communicated to the family of the corpus, nor the corpus was produced before any competent Magistrate. On 10-05-2026 itself, corpus was released from the police



custody, but on the next day i.e. on 11-05-2026, she was again detained by the Police Authorities along with her three family members inclusive of her two-year-old child. It was submitted by the corpus that on 10-05-2026 when she was taken in illegal custody by the police, then she was not kept in Police Station Maharajpura, but she was kept in some unknown place. The family members of the corpus went to the Police Station Maharajpura from where they were taken to the unknown place where the corpus was detained. The police personnel demanded ₹1,00,000/- from the family members of the corpus for releasing her, but later on, on 10-05-2026 itself at about 9 PM, corpus was allowed to go back to her house and, accordingly she came back to her house along with her sister and other family members. It is submitted that on 11/5/2026 once again the corpus was taken by the Police Personnel without any lady constable and, accordingly she was kept at the same unknown place where she was kept on 10/5/2026. She was taken on 10-05-2026 at 04:00 p.m. and was released at 9 PM. It was further submitted that again on 11-05-2026 at about 10 AM, the corpus was taken away by Police along with her three family members. Shamu Gurjar was badly beaten by Police. However, when the corpus tried to intervene, then the Police had also misbehaved with her. Ultimately, on 12-05-2026, the police personnel released the corpus at 4 PM and since then, she is residing in the house of her sister, situated in Shikshak Colony, Buzurg Road, Dabra, District Gwalior. It was submitted by corpus that as she was not aware of the filing and pendency of this *habeas corpus* petition, therefore, she was not aware of the fact that she is required to appear before this Court today. She further



submitted that in the morning, Police had come to her house, but since she was not interested in coming to Gwalior along with Police, therefore, she refused to come and now she has come along with her brother/petitioner.

4. The brother of corpus, who was standing outside the Court was called and he informed that he is a resident of Datia. He did not go to see his sister in Dabra after she was released by the police on 12-05-2026 at about 04:00 p.m. However, he was aware of the fact that the corpus has come back to her house. It was further stated by Shri Shailendra Singh/petitioner that he immediately informed his counsel on 12-05-2026 itself about the return of the corpus. He also submitted that even on 13-05-2026, he had informed his counsel about the release of the corpus and today also in the morning, he had informed the counsel about the release of the corpus, but was not in a position to state as to why the corpus did not appear before this Court on her own, specifically when today the case was fixed for production of the corpus. The corpus as well as the petitioner specifically stated that they are not aware about the whereabouts of the husband of the corpus, but fairly conceded that he is absconding in a murder case.

5. From the above narration of facts, the following circumstances emerge which are required to be considered:-

(i) The husband of corpus is required in a murder case and he is absconding.

(ii) The police must be visiting the house of the husband of the corpus in search of him and, therefore, corpus is alleging that she was being harassed by the police.



(iii) It is the stand of the corpus that on 10-05-2026, she was taken by police at about 04:00 p.m. and she was kept at some unknown place, but she was allowed to go back to her house along with her family members at about 9 PM

(iv) The corpus has specifically alleged in the courtroom that before releasing her on 10-05-2026, a demand of ₹1,00,000/- was made.

(v) On 11-05-2026, according to the corpus, the police again took her at about 10:00 a.m. and kept her at the same unknown place.

(vi) On 12-05-2026, the corpus was released by the Police at 4 PM and again she came back, and according to the corpus, this time it was the police who brought the corpus back to her house.

6. In spite of repeated requests, the corpus did not disclose the place where she was kept by the Police on 10-05-2026, 11-05-2026 and 12-05-2026, but all the time she stated that it was an unknown place.

7. Petitioner is a resident of Datia and for coming to Gwalior, he has to pass through Dabra. The petitioner had filed this petition in the nature of *habeas corpus* and even according to the corpus when she came back to her house on 12-05-2026, petitioner did not try to contact the corpus to find out her well-being.

8. According to the petitioner, he informed his counsel about the release of the corpus on 12-05-2026, 13-05-2026 and 14-05-2026, but still no application for amendment reiterating the allegations which were made by the corpus in the open court was filed. The petitioner submitted that he was aware that today the case is fixed for production of corpus, but he tried to



avoid his responsibility by submitting that since he is resident of Datia, therefore he does not know as to why the corpus did not appear before this Court on her own.

9. There is another aspect of the matter which cannot be lost sight of.

In paragraph 5.2 of the writ petition, petitioner has pleaded as under:

"5.2- That, since 10.05.2026 the detenu has been kept in the illegal custody by the respondent authorities, neither any F.I.R. has been communicated to the family of the corpus nor the corpus has been produced before any competent magistrate. incident was captured in the CCTV Camera installed at the place of incident. copy of the photos are enclosed herewith and marked as Annexure-P/3."

10. Thus, according to the petitioner, on 10-05-2026, the corpus was taken away by the police. If there were CCTV cameras installed either in the house of the sister of the corpus or near any other house, then why did the petitioner or the corpus not try to collect the CCTV footage of 11-05-2026 and 12-05-2026 to show that the corpus was taken away by police on 11-05-2026 at 10:00 a.m. and she was released by the police on 12-05-2026 at 04:00 p.m.?

11. It is really surprising that the brother of the corpus, who had filed the writ petition and was aware of the fact that today the case is fixed for appearance of the corpus did not ensure her presence, and the corpus did not appear on her own and stayed back in her house and refused to accompany the police, whereas this Court had already passed a specific direction to the police to produce the corpus on 14-05-2026.

12. So far as the allegation of making a demand of ₹1,00,000/- on 10-05-2026 is concerned, there is no such allegation in the writ petition.



According to the corpus, the demand was made from her sister and other family members. The petitioner, who is the real brother of the corpus, should have been told by his sister and family members of his sister about the demand of ₹1,00,000/-, but no allegation with regard to demand of ₹1,00,000/- was made in the writ petition. Therefore, it is clear that the allegation made by the corpus that an amount of ₹1,00,000/- was demanded by the police for releasing the corpus on 10-05-2026 is false and an afterthought.

13. It is the case of the corpus that on 10-05-2026 as well as on 11-05-2026 and 12-05-2026, she was kept at some unknown place but not in the police station and in spite of repeated requests by this Court, she did not disclose the place where she was kept by the police. The corpus had made a specific statement that on 10-05-2026, while releasing the corpus, the police had demanded ₹1,00,000/- from the family members of the corpus and the family members of the corpus had reached the unknown place on the information given by Police Station Maharajpura. It is really surprising that the sister and other family members of the corpus had visited the unknown place where, according to the corpus, she was detained by the police, yet, even today, the corpus was not in a position to disclose the place where according to her she was detained by the police. This clearly shows that the corpus is telling a lie before the Court. Even otherwise, if all the allegations were right, then no one had prevented the petitioner from filing an application for amendment on affidavit making an allegation of demand of ₹1,00,000/- as well as disclosing the fact that the corpus has returned back to



her house on 12-05-2026 at 04:00 p.m.

14. Although petitioner has specifically stated that he had talked to the counsel thrice, but why the amendment application was not filed is not known.

15. Furthermore, there is another aspect of the matter which cannot be lost sight of. When the case was called in the morning, counsel for petitioner did not disclose that corpus has come back and she is staying in her house. It was only on the information given by the State counsel that the corpus is in her house, the order which has been reproduced in the earlier part of this order was passed in the first round on 14-05-2026. If the corpus was honest, then it was expected from counsel for petitioner that immediately after the case was called, he should have informed the Court that although the corpus has returned back, but there were certain atrocities and illegal detention by police, but that was not done and again, an attempt was made to suppress the fact that the corpus is at her house.

16. Under these circumstances, this Court is of considered opinion that in fact the corpus was never taken by police on 11-05-2026 and she was never kept by police at the police station or any other place and, therefore, there was no question of release of corpus by police on 12-05-2026 at 04:00 p.m. It appears that the entire story has been developed by the corpus with the help of her brother Shailendra Singh in order to pressurize the police to stop looking for her husband who is wanted in a case of murder. In fact, this petition appears to be a misuse of lawful authority of this Court and it has to be checked with iron hands, otherwise the police will not be in a position to



discharge its duties.

17. For the reasons mentioned above, this Court has come to a conclusion that this petition was filed on false grounds, accordingly, it is dismissed with cost of ₹50,000/- (Rupees fifty thousand only) to be deposited by the petitioner in the Registry of this Court within a period of one month from today. It is made clear that in case if the cost is not deposited, then not only the Principal Registrar of this Court will initiate proceedings for recovery of cost, but shall also register a case for contempt of Court.

18. With aforesaid observations, the petition is dismissed.

(G. S. AHLUWALIA)
JUDGE

(PUSHPENDRA YADAV)
JUDGE

(and)