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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 1216/2015

% *Judgment dated 7th October, 2015*

SMT SUMAN

..... Petitioner

Through : Mr.M.L. Yadav, Adv. along with
petitioner.

versus

STATE (NCT OF DELHI) & ORS

..... Respondents

Through : Mr.R.S. Kundu, ASC and Mr.Ankit
Kumar Gulia, Advs. along with W/SI
Anita, P.S. Uttam Nagar.
Ms.Sangeeta, daughter of the petitioner.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J (ORAL)

1. Present writ petition has been filed by petitioner under Article 226 of the Constitution of India seeking a direction to respondents no.1 to 4 to produce the body of her daughter, namely, Sangeeta, before this Court. The petitioner also seeks a direction to respondents no.1 to 4 to ensure release of her daughter from illegal and unlawful custody of respondents no.5 to 13, and arrest respondents no.5 to 13. It is also prayed that her daughter be kept in the care and custody of Nirmal Chhaya, Nari Niketan, Tihar Jail, New Delhi, and grant protection to the life of the petitioner and her family members.
2. As per this petition, the daughter of the petitioner, Ms.Sangeeta, who is stated to be a minor, was missing since 30.9.2014. It is alleged that respondents no.1 to 4 have failed to discharge their statutory and Constitutional obligation, which has led to the filing of the present writ petition.
3. On the last date of hearing i.e. 14.8.2015, the daughter of the petitioner

had been produced in Court. While passing a detailed order, this Court had directed the Police to conduct an ossification test upon the daughter of the petitioner so as to ascertain her proper age. It was also directed that the daughter of the petitioner would remain under the care and custody of Nirmal Chhaya.

4. Today, learned counsel for the State has handed over a status report dated 6.10.2015 wherein it has been stated that in view of the fact that the daughter of the petitioner, who is a minor, was in the family way, the ossification test could not be conducted upon her. It was also advised that the ossification test could only be conducted after the termination of the pregnancy. On 28.9.2015, after the termination of pregnancy, the Police again applied for conducting an ossification test upon the daughter of the petitioner, however, the Police was advised to bring Sangeeta after two weeks, and, thus, the ossification test could not be conducted upon her. Sangeeta is stated to have been residing with the petitioner since 28.9.2015.
5. Ms.Sangeeta, daughter of the petitioner, is present in Court along with her mother. She has made a statement in Court that she wishes to reside along with her mother.
6. Accordingly, in view of the statement made by Ms.Sangeeta, no further orders are required to be passed in the present writ petition and the same is disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

OCTOBER 07, 2015 msr