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

+ **W.P.(CRL) 248/2016**

SEEMA

..... Petitioner

Through: Mr. Shashank Shekhar, Adv.

versus

DELHI POLICE THROUGH COMMISSIONER OF POLICE

..... Respondent

Through: Mr. Rahul Mehra, Standing Counsel
(Crl.), Govt. of NCT of Delhi with
Mr. Tushar Sannu, Adv.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

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17.10.2016

Learned Standing Counsel for Delhi Police/Government of NCT of Delhi seeks and is granted permission to place on record status report.

Seema has filed the present writ petition of Habeas Corpus for production of girl child Sushila, aged about six months.

The FIR No. 1342/2015 has been registered at Police Station Hauz Khas on the basis of complaint made by the petitioner. Investigation has now been transferred to Anti Human Trafficking Unit, Crime Branch.

Several status reports have been filed by Delhi Police.

As per status report dated 18.05.2016, on 09.11.2015 an unknown person had made a call on telephone no.1098 that one lady with small child in her lap was begging near Hauz Khas Metro Station. The call was marked to NGO (Butterfly) by the Child Helpline. Three members of NGO had then visited the spot, and made enquiries from the petitioner-Seema and Ramkuvar. On 10.11.2015, Seema and Ramkuvar alongwith the child were

taken to Child Welfare Committee, Lajpat Nagar, New Delhi by the members of the said NGO. During lunch-break, Seema and Ramkuvar left the office of the Child Welfare Committee, without information on the pretext of feeding the child.

The Child Welfare Committee in the said circumstances called upon the police to make enquiries and examine documents relating to the parentage of the child. While the enquiry was pending, in the first week of December 2015, Raj Kuvar and Seema had informed that Sushila had gone missing in the intervening night between 8/9.12.2015. Raj Kuvar and Seema had then produced a photocopy of birth certificate of Sushila, their Adhar Card and Ration Card. Birth certificate dated 27.06.2015 issued by Government Hospital, Gulabpura, Bhilwara, Rajasthan it is stated is genuine.

Status reports reveal the attempts and efforts made by the Delhi Police to trace out Sushila. Photograph of the missing child was made available by Seema, has been published. Information about the child has been circulated and put on the internet. Cash reward of Rs.20,000/- has been announced. Letters have been written to children homes in Delhi and Rajasthan.

Subsequently, Anti Human Trafficking Unit has sent written communication to children homes all over the country.

The petitioner had expressed suspicion on one Gyarsi Lal, her brother. On verification, it was found that Gyarsi Lal was handicapped and was not able to walk properly.

Efforts to trace out the missing child will continue. However, we do not see any reason to continue and pass repeated identical orders in the present petition. The petition is disposed of with direction that the police

will continue with the investigation and make earnest and affirmative efforts to trace and locate Sushila. The petitioner and the NGO which has taken up the cause of the petitioner will be entitled to approach the Investigating Officer of Crime Branch/ Anti Human Trafficking Unit, Sector-16, Rohini, New Delhi. In case, the petitioner and NGO find that the efforts of the police are lacking and they are not acting on the links or clues available, they may file an application in this writ petition or take recourse to any other appropriate remedy.

SANJIV KHANNA, J

SUNITA GUPTA, J

OCTOBER 17, 2016/rd