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

+ **W.P.(CRL) 2454/2016**

PANKAJ

..... Petitioner

Through Mr. Jaswinder Singh & Mr. A.K. Nigam,
Advocates.

versus

STATE & ORS.

..... Respondents

Through Mr. Rahul Mehra, Standing Counsel
(Criminal) & Mr. Tushar Sannu Dahiya, Advocate
for GNCTD alongwith SI Shabbir Ahmed, P.S.
Sangam Vihar.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

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23.08.2016

CRL.M.A. No. 12977/2016

Exemption application is allowed, subject to all just exceptions.

W.P.(CRL) No. 2454/2016

Standing Counsel for the State, who appears on advance notice, has
filed the status report indicating the steps taken by the Police to locate
Rekha.

2. Rekha has been missing since 17th August, 2015.
3. Brij Kishore, father of Rekha, is the complainant in FIR No.

248/2016, Police Station Sangam Vihar under Sections 498A/365/34 of the Indian Penal Code. Brij Kishore has alleged that Rekha was residing with the petitioner, her husband, when she vanished and became untraceable on 17th August, 2015.

4. The petitioner had earlier made the complaint dated 17th August, 2015, stating that Rekha was with her parents when she went missing. As per the police investigation, this assertion of the petitioner has been found to be incorrect.

5. The order dated 2nd August, 2016 passed by the Additional Sessions Judge-03 (South) rejecting the petitioner's application for anticipatory bail has been annexed (Annexure A-8) to the present writ petition. The aforesaid order, in paragraph 4, makes reference to the investigation made by the police.

6. The Standing Counsel for the State contends that pendency of the present writ petition can be abused and misused. This petition would be treated as a ground or an excuse. The present writ petition was filed after the petitioner's application for anticipatory bail was rejected vide order dated 2nd August, 2016 passed by the Additional Sessions Judge.

7. We have gone through the status report filed the State. The status

report mentions the steps taken by the police to locate Rekha. We are satisfied with the action and steps taken by the police. Leads are available and follow up action is being taken. In view of the investigation undertaken, we are not inclined to entertain the present writ petition at this stage. The writ petition is accordingly dismissed and the petitioner is granted the liberty to file a fresh writ petition in case he finds that the police is not carrying out proper investigation.

8. Nothing stated in this order is to be construed as an expression of opinion on merits or whether or not the petitioner is involved in any manner or is responsible for Rekha going missing. We have not made any observations or comments on the said aspect, either in favour or against the petitioner or any third person.

SANJIV KHANNA, J.

SUNITA GUPTA, J.

AUGUST 23, 2016
VKR