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

+ W.P.(CRL) 155/2017

SUNIL SHARMA

..... Petitioner

Through

Mr.Sushil Kumar Jain, Adv. along with
wife of the petitioner in person.

versus

STATE (GOVT OF NCT OF DELHI) & ORS

..... Respondents

Through

Mr.Sachin Nahar, Adv. for Mr.Rahul
Mehra, Standing Counsel (Crl.) for the
State along with SI Kamal Kumar and
W/Const. Deepmala, PS Okhala Industrial
Area, in person.
Ms.Puja Sarkar, Adv. along with Missing
Girl Jyoti in person.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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22.02.2017

This is a petition under Article 226 of the Constitution of India filed by the father of a 15 years old girl who went missing from her house on 14.12.2016.

Today, the missing girl Jyoti has been produced in Court from Prayas NGO. Status report has been handed over in Court wherein the statement made by Jyoti has been extracted to the extent that she had left her parental home out of her own free will and was staying with an elderly couple at Mathura.

We have interacted with Jyoti in the presence of her mother and Ms.Puja Sarkar, Advocate, in the Chamber. She submits that she had left her parental home on account of constant pressure to look after her ailing brother who is approx. 5 years of age. She has expressed her desire to join the company of her mother. Her mother submits that in future, they would also give extra care to

Jyoti and her wishes so that she does not take this extreme step to leave her home under family pressures.

The mother of Jyoti also complains that she was not permitted to meet her daughter when she visited Prayas. If the statement made by the mother is true, we find the attitude of Prayas to be highly insensitive and heartless. A parent whose 15 years old daughter is missing since 14.12.2016 certainly would like to meet the child as soon as possible. This order would be brought to the notice of the President, Prayas and the concerned officials shall be sensitized and they would ensure that as far as possible unless there are highly cogent reasons, the parent whose child is missing would not be kept away from at least meeting the child. In case any such complaint is received by the Court in future, the Court would be forced to take a serious view in the matter. We are conscious of the fact that we have not sought comments from the concerned Officer, however, as stated above, we have expressed our opinion in the light of the statement made by the mother of the missing girl and have stated so with the rider that in case such a statement is true.

The custody of the missing girl be handed over to the mother from Court itself. Lady Const. Deepmala, who has accompanied the missing girl, is directed to visit the house of the petitioner, initially once a week for two weeks and thereafter once in 10 days in the next two weeks, in plain clothes, to ensure that the missing girl is comfortable in her house. We are passing this order, as this is the third time the missing girl had left her house.

The petition is disposed of.

Dasti, under the signatures of the Court Master.

G.S.SISTANI, J.

V. KAMESWAR RAO, J.

FEBRUARY 22, 2017/ka

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