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

+ **W.P.(CRL) 930/2017**

NAIMUDDIN

..... Petitioner

Through: Mr. Shiekh Imran Alam, Adv.

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondent

Through: Mr. Rahul Mehra, Standing Counsel
with Mr. Tushar Sannu, Adv. for
State with SI Shanti, PS Jamia Nagar

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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27.04.2017

The further status reported tendered in court by Mr. Mehra is taken on record.

The petitioner has preferred the present petition for production of his daughter Saima before the court and to set her at liberty in the custody of the petitioner. The position that has emerged from the record is that Saima has been located. Her statement u/s 164 Cr PC has also been recorded. She has stated that she left her home and went with one Mukesh to Etah, where she married Mukesh. Saima is presently lodged at Global Home, Sangam Vihar.

Learned counsel for the petitioner submits that since Saima is a minor, her custody should be released to the petitioner by this court.

We are not inclined to accede to this request of the petitioner. It is seen from the statement recorded u/s 164 Cr PC that Saima has apprehensions that she may be harmed in case she is handed over to the petitioner. Since the whereabouts of the missing person have been located and she is presently in safe custody, we dispose of this writ petition as infructuous. However, we make it clear that in case Saima is willing to meet her parents and other relatives, the Global Home, Sangam Vihar shall permit the petitioner and other relatives to meet her.

The aspect of release of the custody of Saima shall be considered by the concerned court after ascertaining the wishes of Saima.

So far as the petitioner's prayer for taking action against the person who allegedly abducted Saima is concerned, the FIR already stands registered and the case shall take its own course on the basis of the evidence collected by the prosecution.

The petition stands disposed of in the aforesaid terms. Dasti.

VIPIN SANGHI, J

DEEPA SHARMA, J

APRIL 27, 2017

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