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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 3633/2016

SURENDER PAL

..... Petitioner

Through: Mr.Raj Kumar Tomar, Advocate with
Mr.Rakesh Dudeja and Mr.Saurabh
Jhamb, Advocates

versus

STATE (NCT OF DELHI)

..... Respondent

Through: Mr.Sanjay Lao, Additional Standing
Counsel for State
Inspector Dheerendra Sharma

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE I.S.MEHTA

ORDER

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06.11.2017

1. The Petitioner filed this *habeas corpus* petition on 24th November, 2016 for a direction to the respondent-State to trace his daughter Smt. Shashi Kashyap aged about 35 years.

2. In the petition it is stated that the Petitioner's daughter went missing "and is now illegally confined since 14th July, 2016". It is stated that a complaint in this regard had already been lodged at Police Station (PS) Shakarpur as a result of which FIR No.692/2016 under Section 365 IPC was registered. The Petitioner states that on 14th July, 2016 his daughter, who is married and has two children, left home at about 8 am for work informing her husband that she had to go to Meerut. Around noon time she called on the mobile phones of her uncle and maternal uncle and asked them to arrange

Rs.60,000/70,000/- for the release of her partner, Rajeev @ Raju, from the illegal confinement of some criminals who were stated to have kidnapped him on 14th July, 2016 from Delhi. It is claimed that on 15th July, 2016 the wife of Rajiv @ Raju, Smt. Jyoti, informed the Petitioner's family that the daughter of the Petitioner had been kidnapped in Meerut and asked them to contact the police at Meerut if they wanted to save her life.

3. Not being satisfied with the progress of the investigation of the above FIR, despite complaints to the Delhi Commission for Women and the NHRC etc., the Petitioner has approached this Court with the present petition.

4. Periodic status reports have been filed by the State. The following was passed by this Court on 16th January, 2017:

“Married daughter of the petitioner is missing since the evening of 14th July, 2016 from Meerut. Status report has been handed over in Court. Copy supplied to the counsel for the petitioner. We had noticed in our previous order that the missing person had gone to Meerut along with her partners to resolve a dispute with persons to whom a machinery had been supplied and to rescue one of the partners, namely, Raju who was held captive by them. Mr.Lao, learned standing counsel for the State, submits that discreet inquiries have revealed that the missing person did not have good relations with her husband who suspected her of having an illicit relation with Raju. We find that the missing person was married and is a mother of 12 years old daughter and 7 years old son. We find it rather peculiar that she would not contact even her minor children. We find it peculiar that the writ petition has been filed by her father who is pursuing it.

Admittedly, the missing person had left her matrimonial home for Meerut where she was had used her Mobile phone as well. We direct

the concerned DCP to consider referring this matter either to Anti Human Trafficking or the DIU Cell having regard to the totality of the facts of this case. A decision would be taken within next three days as valuable time has already been lost since 15 July, 2016. We also direct that the investigation would be monitored by an officer not less than the rank of DCP.

List on 16th February, 2017.

Copy of the order be given dasti under the signatures of the Court Master.”

5. On the subsequent date i.e. 16th February, 2017 the Court was informed that it has been proposed by the investigating team to conduct Narco Analysis Test on Raju, and certain other accused persons, who had given their consent for the same. In the latest status report filed, it is stated that through the ZIPNET it was found that on 30th July, 2016 the dead body of an unknown female aged about 34 years was found in the area of PS Sardhana, Meerut. An FIR had also been registered at PS Sardhana in that regard. However, when further details regarding the clothes reportedly found on the said woman were shared with the husband of the missing person, he stated that they did not belong to the missing person.

6. It is stated that two of the suspects who refused the polygraph test have been interrogated. On 30th October, 2017, five other suspects gave their consent to undergo a polygraph test. As far as Rajeev/Raju is concerned he is stated to have broken his leg in an accident on 24th August 2017 and is recuperating in his house at Farrukhabad, U.P. It is stated that his polygraph test will be conducted after he is able to walk. It is also stated that on 8th

October 2017 hue and cry notices have been pasted in the last location of the cell phone of the missing woman and in the neighbouring villages. The call detail records of mobile phones of the missing woman and those suspected have been analysed.

7. The Court has heard the submissions of the learned counsel for the Petitioner as well as the learned Standing counsel for the State. The Court is satisfied that, the investigations which have been handed over to the Crime Branch, are satisfactorily progressing. Mr. Lao assures the Court that periodical status reports will be filed before the learned Metropolitan Magistrate (MM) concerned and that the investigations will be taken to their logical end as expeditiously as possible.

8. The Court in these circumstances does not consider it necessary to keep monitoring the progress of the investigation. It therefore declines to issue any further directions in that regard in the expectation that as assured the investigation will be taken to its logical end.

9. The petition is disposed of.

S. MURALIDHAR, J.

I.S. MEHTA, J.

NOVEMBER 06, 2017

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