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

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Judgment dated 3rd January, 2017

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W.P. (Crl.) No.3623/2016

MS RAMA RANI

..... Petitioner

Through Mr.Kunal Sachdeva & Mr.Akhilesh,
Adv.

versus

STATE OF NCT OF DELHI & ORS

..... Respondents

Through Mr.Rahul Mehra, Standing Counsel
(Crl.) with Mr.Tushar Sannu, Adv. for
the State along with Insp. Krishan Pal
Tomar, SHO and SI Subhash Chand,
PS Lajpat Nagar, in person.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE VINOD GOEL

G.S.SISTANI, J (ORAL)

1. Present petition has been instituted by the aunt (*Bua*) of Sapna Chauhan. The petitioner seeks production of Sapna Chauhan.
2. As per the writ petition, Sapna Chauhan is being subjected to cruelty and regular physical assaults at the hands of respondents No.2 & 3 being mother and brother of Sapna Chauhan, due to some property dispute. Another averment has been made in the writ petition that on 17.12.2016 the petitioner learnt that respondents No.2 & 3 have illegally detained Sapna Chauhan somewhere in Delhi. Her life and limb are in danger. The petitioner approached the Police Station on the same day, i.e. 17.12.2016 but no FIR was registered.

3. It has further been averred that Sapna Chauhan has been illegally detained in some rehabilitation centre, although Sapna Chauhan is not an addict and has nothing to do with the drugs. No other averment was made in the writ petition.
4. The matter was listed before this Court upon mentioning before DB-II on 19.12.2016 when the following order was passed by this Court:-

“Matter has been listed upon mentioning before DB-II. We find this petition to be void of any particulars. We find although averment has been made that the petitioner approached the Police but no copy of the complaint has been placed on record. We also find that the averments are not supported by any material to show how the petitioner has learnt that Sapna Chauhan, the daughter of the respondent No.2 and sister of respondent No.3, has been illegally detained and/or admitted to some rehabilitation centre.

Counsel for the petitioner seeks an adjournment. Counsel for the State enters appearance and states that he has not received the copy of the petition. On the notice of motion we find stamp of the Standing Counsel (Crl.) that copy has been received. Another copy has been supplied.

List on 20th December, 2016.”

5. On the next date of hearing, i.e. the following day, the following order was passed by this Court:-

“The petitioner has alleged that respondents No.2 & 3 are instrumental in disappearance of their 25 years old unmarried daughter. Further, as per the petition, the petitioner has learnt that she has been illegally detained in some rehabilitation centre.

Respondents No.2 & 3 are present in Court. They submit that their daughter/sister is addicted to drugs and any other form of intoxicants. In the past, including her late father other members of the family have suffered violence at her hands. Repeated calls have been made by them to the police in this regard. Faced with such a situation, respondent No.2 who is the mother and a widow

submits that she has admitted her daughter to a De-addiction Centre by the name of Sukun Foundation Rehabilitation Centre for Female at Rohini. Respondent No.2 further submits that the petitioner, who is her sister-in-law, has filed this petition only to further harass her, as she has an eye on the property where the petitioner and respondent No.2 are residing.

The SHO is present in Court. SI Subhash Chander submits that frequent calls are received from respondent No.2 and he is also aware about the addiction of the daughter of respondent No.2. Status report has been filed.

We direct production of Sapna Chauhan before this Court from Sukun Foundation Rehabilitation Centre for Female at Rohini. We make it clear to the petitioner that in case this Court reaches at a conclusion that the mother has acted in the bonafide interest of her daughter and Sapna Chauhan has a history of being an addict, the Court may impose cost upon the petitioner for filing a frivolous petition.

List on 22.12.2016 when Sapna Chauhan shall be produced in Court. Additional status report will be filed by the police. A responsible officer of Sukun Foundation Rehabilitation Centre for Female at Rohini will also remain in Court along with the records of Sapna Chauhan.

Dasti, under the signatures of the Court Master.”

6. Pursuant to the directions passed on 20.12.2016, Sapna Chauhan was produced in Court on 22.12.2016 when the following order was passed:-

“Sapna has been produced from the de-addiction centre, Sukun Foundation Rehabilitation Centre, Rohini. We have interacted with Sapna in the Chamber in the presence of Ms. Vani and Ms. Jyoti Taneja, Advocates and also in the presence of Mr. Rahul Mehra, learned Standing Counsel. Ms. Shipra Bansal, Director, Sukun Foundation Rehabilitation Centre, Rohini is also present in Court. We have also perused the original file produced by her.

Prima facie, we feel that sufficient material is on record to justify her mother admitting Sapna to the Rehabilitation Centre. Sapna states that she is perfectly normal and does not indulge in drugs or any other form of intoxicant. As suggested by learned counsel for the petitioner, we request Dr. Nimesh G. Desai, Director, IHBAS to examine Sapna. We may note that the medical case file of Sapna from Sukun Foundation Rehabilitation Centre shall be sent to IHBAS. The report from IHBAS shall be sent to this Court in a sealed cover. We request the Director, IHBAS to give his opinion before the next date of hearing unaffected by any observations of the previous reports which have been produced to enable IHBAS to be acquainted with the facts. Copy of the order dated 20.12.2016 and the order passed today shall be brought to the notice of the Director, IHBAS.

List on 03.01.2017.”

7. Today also, Sapna Chauhan has been produced from the De-addiction Centre. Pursuant to the last order passed by this Court, report from IHBAS has been received. Based on our interaction with the brother and mother of Sapna Chauhan and the record produced from the De-addiction Centre, we find that the averments made by the petitioner in this writ petition appeared to be blatantly false. We have also been informed by the mother and brother of Sapna Chauhan that they are residing on the ground floor of the property while the first and second floors are in possession of the sisters of the deceased husband, petitioner being one of the sisters. We had noted the submissions of respondents No.2 & 3 in the order of 20.12.2016 that Sapna Chauhan is addicted to drugs and other form of intoxicants and in the past, including her late father other members of the family had suffered violence at her hands. Repeated calls were made to the police by the family members of Sapna Chauhan which was confirmed by SI Subhash Chander who was present in Court.

8. We have received a report from the Director, IHBAS wherein it has been stated that the parties have arrived at an agreement about Sapna's continuous stay in NGO for the next two months, with the goals of abstinence from all chemical use and control over her impulsiveness and anger.
9. In view of the report of IHBAS, learned counsel for the petitioner wishes to withdraw this petition. Although we are *prima-facie* of the view that this petition is a gross abuse of the process of the Court and was filed with a malafide intent, as it is humanly impossible that the petitioner would not know about the condition of Sapna Chauhan as confirmed by IHBAS, when she was residing in the same building on the first floor and is also related to the family, but we refrain from imposing cost upon the petitioner.
10. The petition is dismissed as not pressed.

G.S.SISTANI, J.

VINOD GOEL, J.

JANUARY 03, 2017/ka