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

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+ **W.P. (CRL) 3344/2017**

NAGENDER KUMAR SINGH

.....Petitioner

Through: Mr Kamlesh Kumar Mishra, Mr K.M.
Thakur and Mr Lal Babu, Advocates

versus

COMMISSIONER OF POLICE & ORS.

.....Respondents

Through: Ms Kusum Dhalla, APP for Mr Rahul
Mehra, Standing Counsel with Inspector Sanjeev
Mishra and SI Varun PS Sarita Vihar

CORAM:

JUSTICE S. MURALIDHAR

JUSTICE I.S. MEHTA

ORDER

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28.11.2017

1. This is a petition seeking issuance of a writ of habeas corpus to the Respondents to produce Rakhi Kumari, the daughter of the Petitioner, who is aged about 15 years and has been missing since 31st March 2017.

2. Today, when the matter was called out, the learned counsel for the Respondents produced a 5-page status report dated 28th November 2017. Apart from listing out the efforts made by the police to trace out the missing girl on receipt of the complaint from the Petitioner and the registration of the FIR No.102/17 dated 1st April 2017 under Section 363 IPC, the status report states that on 12th November 2017, the Petitioner informed the police that he has received a missed call on his mobile phone from certain number. It is

stated that said number was thereafter kept on 'surveillance' and after analyzing the call details, on 26th November 2017, a raid was conducted in Village Narora, District Bulandsher, U.P. from where the missing girl was rescued in the presence of the Petitioner. On inquiries, the police have learnt that the missing girl got married to Yash Kumar, s/o Late Shri Kumar Singh, r/o Ganganpur, District – Etah, U.P. and that they have been living in Village Narora. According to the police, the victim stated that on 31st March 2017, on account of a quarrel with her mother, she left home and reached Etah by train. On 2nd April 2017, she met with Yash Kumar and told him that she was 19 years of age and had no one in the world. Ultimately they got married on 4th May 2017. The status report further discloses that the victim has been living with Yash Kumar since then and that she is even four months pregnant.

3. The date of birth of the girl was verified from her school records as 9th January 2003. Her medical examination was also conducted at AIIMS. Sections 376 IPC and 6 of POCSO Act have been added and Yash Kumar has been arrested on 27th November 2017.

4. It is stated that the girl has been sent to Prayas Juvenile Aid Centre as she refused to go with her parents.

5. The learned counsel for the Petitioner states that the parents of the girl should be allowed to meet her at Prayas Juvenile Aid Centre and pleaded that the parents and the girl be given some counselling.

6. The Court is confident that Prayas Juvenile Aid Centre will facilitate a meeting of the parents with the girl, subject to the wishes of the girl and also facilitate the conciliation, if it is so required.

7. As far as the criminal case is concerned, the Court is of the view that the law should be allowed to take its own course.

8. No further directions are called for in this petition and the same is accordingly disposed of.

S. MURALIDHAR, J.

I.S. MEHTA, J.

NOVEMBER 28, 2017
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