

* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(CRL) 3523/2017

THE STATE GOVT OF NCT OF DELHI & ORS Respondents
Through: Mr.Rahul Mehra, Standing Counsel
(Crl.) with Mr.Tushar Sannu and
Mr.Chaitanya Gosain, Advocates
Inspector D.K.Tejwan, ASI Satyapal,
PS-Pandav Nagar

ORDER
18.12.2017

1. Allowed, subject to all just exceptions.

2. The Petitioner is aggrieved by the failure of the Respondent-Delhi Police to investigate his complaint dated 3rd November, 2017 about his wife having gone missing. DD No. 28A was lodged at Police Station ('PS') Pandav Nagar on that

date.

3. A status report has been filed by the Respondent detailing the steps taken since the lodging of the above report on 3rd November, 2017. It appears that on 10th November, 2017, the Petitioner filed a further complaint this time alleging that his wife had sold her parlour for Rs. 1,90,000/- and had taken away Rs. 3 to 3 ½ lakhs. A third complaint appears to be made on 13th November, 2017 by the Petitioner at PS Pandav Nagar, raising a doubt that Respondent No.4 may be involved.

4. The status report sets out the names of the persons who have been questioned as well as their mobile numbers. The status report also lists out the conversation and contents of the unsigned written note left behind by the wife of the Petitioner and certain voice recordings of hers. The status report states that the Petitioner's wife left the house due to differences with the Petitioner and that she has not been 'kidnapped or abducted by anyone'.

5. While counsel for the Petitioner does not dispute that his wife left the home of her own accord, his grievance is that the police has not taken any action whatsoever on his repeated complaints and has sprung into action only after the present petition was filed.

6. On a perusal of the status report it does not appear to the Court that the police has simply been sitting on the complaints of the Petitioner. The Court is

satisfied that efforts have been made, and are being made, to trace her. Mr.Rahul Mehra assures the Court that the efforts in this regard will be continued and the investigation of the Petitioner's complaints will be taken to its logical conclusion.

7. The fact remains that the Petitioner's wife left the house of her own and has not been kidnapped or abducted. Even the Petitioner does not allege that she has been illegally detained by anyone. In the circumstances, the Court sees no reason to entertain the present *habeas corpus* petition. It is, however, open to the Petitioner to pursue other remedies including his criminal complaints in accordance with law.

8. The petition is dismissed.

S. MURALIDHAR, J.

I.S. MEHTA, J.

DECEMBER 18, 2017

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