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

+ W.P.(CRL) 554/2018

RAMJAN

... Petitioner

Represented by: Mr.Sachin Dev, Advocate

versus

STATE (NCT OF DELHI) & ANR

... Respondents

Represented by: Mr.Ashish Negi, proxy counsel
for Ms.Richa Kapoor, ASC for
the State with Ms.Shikha
Mehra and Ms.Sushila,
Advocates

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

23.04.2018

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By this petition the petitioner seeks transfer of investigation of FIR No.397/2017 under Section 363 IPC registered at PS New Ashok Nagar, to CBI.

Petitioner alleges that his minor daughter was kidnapped by one Asif and pursuant whereeto, she lodged an FIR on 30th July, 2017. He states that all the expenses of travel to trace her daughter were borne by him. Even as per the petitioner, a writ petition was filed by the daughter of the petitioner before this court being No.2285/2017 seeking protection as she had solemnized marriage with one Asif. However, this Court did not grant any protection. The petitioner apprised to the Investigating Officer that the

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marriage certificate was fake and his daughter was aged 17 years as per the certificate issued from the school first attended. Thereafter, the son of the petitioner met father of the accused Asif on road at Jaipur when he went to Jaipur to collect rent of his house. Father of the accused Asif was aware of the information regarding his son and the petitioner's daughter. Petitioner was thus constrained to file application under Section 156(3) of the Cr.P.C. to monitor investigation. It is the case of the petitioner that only superficial inquiry was done and nothing concrete was done in the investigation. However, the daughter of the petitioner withdrew the writ petition filed by her.

On a notice being issued, a Status Report has been filed. As per the Status Report, though the petitioner claimed that his daughter was 17 years' old, however, claim of the daughter of the petitioner in the writ petition filed by her was that she was a major. Verification of the date of birth of the petitioner's daughter was done from the school where it was recorded as 5th March, 2000. Thus, on the date of alleged incident, i.e. kidnapping on 28th July, 2017, the petitioner's daughter was minor. Though the claim of the petitioner that the marriage certificate of his daughter and Asif was forged was found to be correct, however, in her statement under Section 164 Cr.P.C. the daughter of the petitioner stated that she had left the house of her own free will and she was not forced to marry Asif. Since the daughter of the petitioner is pregnant and has now attained the age of majority i.e. 18 years, she was permitted to reside wherever she wanted by the Child Welfare Committee. The daughter of the petitioner is willingly residing with her in-laws now.

Learned proxy counsel for learned ASC for the State, on instructions submits that the investigation in FIR in question is almost complete and charge-sheet for offences punishable under Section 376 IPC and Section 6 of POCSO Act will be filed within two weeks.

In view of the fact that the investigation has almost concluded, this Court finds no ground to transfer the case to CBI.

Petition is dismissed.

MUKTA GUPTA, J.

APRIL 23, 2018
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