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

+ **W.P.(CRL) 604/2018**

SUSHILA

..... Petitioner

Through: Mr. Devanshu Sajlan and Mr. Akash
Lamba, Advocates.

versus

NCT OF DELHI & ORS

..... Respondents

Through: Mr. Rahul Mehra, Standing Counsel
(Crl.) with Mr. Chaitanya Gosain for
State with Insp. Vipnesh and SI
Mahender Kumar, PS Vijay Nagar.

CORAM:
JUSTICE S. MURALIDHAR
JUSTICE I.S. MEHTA

ORDER
26.02.2018

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1. The Petitioner has approached this Court seeking a writ of *habeas corpus* with a prayer that that her daughter, Aakansha, who went missing from her company from 1st August 2017 onwards, should be traced by the Police and produced before this Court.

2. On receipt of the advance notice of this petition, the Station House Officer ('SHO') of Police Station ('PS') Vijay Vihar has filed a status report dated 25th August 2018, in which he has set out in detail the background of the case.

3. For the purpose of this petition, it is sufficient to note that according to both, the Petitioner as well as the police, Aakansha left her matrimonial home on 13th June 2017 and began living with the Petitioner. Aakansha herself had lodged complaints against her in-laws and her husband regarding physical and mental harassment for dowry.

4. On 1st August 2017, Aakansha left her home to file a complaint before the National Commission for Women ('NCW') against her husband and, thereafter, did not return. The papers produced before the Court show that there is a general diary entry No.54A of PS Vijay Vihar dated 2nd August 2017 detailing the complaint received from the Petitioner regarding her daughter having gone missing. The time of the complaint was 9:15 pm. As rightly pointed out by Mr. Rahul Mehra, the learned Standing Counsel appearing for the State, the complaint does not make any allegation against any specific person.

5. The status report also reveals that Aakansha has been moving from one shelter home to another in the city. On 26th September 2017, the CAW Cell at Kamla Market, Delhi received a complaint from Aakansha. Despite having been called by the Enquiry Officer ('EO') on four separate dates i.e. on 17th October 2017, 27th October 2017, 7th November 2017 and 16th November 2017, Aakansha did not join the enquiry proceedings. However, her husband, Ravi Kant, joined the enquiry proceedings on 17th October 2017 and 27th October 2017.

6. On 23rd October 2017, Aakansha had sent a written statement to the EO,

CAW Cell stating that she is at a shelter home in Karol Bagh of her own will and is recovering from certain health issues. She had undertaken to appear before the CAW Cell after recovery. However, she did not do so. For some reason, the complaint of Aakansha was closed on 29th November 2017.

7. The call detail records of the mobile number of Aakansha showed that the said phone was operational only till 1st August 2017. It appears that between 1st August 2017 and 3rd August 2017, she stayed at a shelter home in Kamla Market and between 18th August 2017 and 7th October 2017 she resided at a shelter home in Karol Bagh. The Police has also collected the photocopy of the complaint given by Aakansha to DCW expressing apprehension of threat to her life both from her matrimonial as well as parental family members.

8. The status report does not give the Court an indication that no steps have been taken by the police in the matter.

9. In the above circumstances, the Court is not inclined to entertain the present *habeas corpus* petition at this stage. However, it considers it necessary to issue the following directions:-

- (i) The complaint given by Aakansha to the CAW Cell, Kamla Market should be revived and kept open for further enquiry.
- (ii) The Petitioner is at liberty to provide to the police any further details she has in regard to the whereabouts or movement of her daughter after 7th October 2017 and if such details are provided, the police shall take prompt action on the same.
- (iii) An FIR be registered regarding the missing person and periodic

reports be filed before the Magistrate concerned. The Petitioner will be kept informed by the SHO of the progress of the enquiry.

10. The petition is disposed of in the above terms.

S. MURALIDHAR, J.

I.S. MEHTA, J.

FEBRUARY 26, 2018

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