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

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+ **W.P.(CRL) 1126/2018**

KHUSHBOO GUPTA

...Petitioner

Through: Mr. Rakesh Sharma, Advocate

versus

THE STATE (NCT OF DELHI) & ORS.

...Respondents

Through: Mr. Rahul Mehra, Standing Counsel
(Crl.) with Mr. Chaitanya Gosain,
Advocate

CORAM:

JUSTICE S. MURALIDHAR

JUSTICE I.S. MEHTA

ORDER

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17.04.2018

1. This is a petition in the nature of *habeas corpus* by the sister-in-law of a minor girl seeking directions to the Respondents/State to produce her.
2. The case of the Petitioner is that the minor girl (Radha Kumari) has been missing since 5 am on 1st March 2018. It is stated that the Petitioner on an earlier occasion gave a complaint that the minor girl had gone missing on 11th February 2018. The minor girl was thereafter produced before the Police Station ('PS') Palam Village on 14th February 2018 by the Petitioner herself. A cancellation report was filed in this regard on 11th March 2018.
3. This time around, on 16th April 2018, the Petitioner appears to have brought the minor girl to the PS Palam Village. On medical examination, it

transpired that the minor girl is pregnant. She disclosed having had consensual sexual relations with her boy friend a month earlier. They are supposed to have stayed in a rented accommodation in Uttar Pradesh for about a month.

4. The Court is informed that presently, the minor girl is at Nirmal Chaya-7. FIR No.113/2018 had been registered under Section 363 IPC on 13th April 2018, i.e. before the girl was produced at PS Palam Village on 16th April 2018. Subsequently, the offence under Section 4 POCSO has been added. The police are searching for the accused.

5. Mr. Rahul Mehra, learned Standing Counsel appearing for the State, informs the Court that the minor girl is present in the Court. He has spoken to her and ascertained that she wishes to return to the Petitioner but is apprehensive that she might be sent away somewhere.

6. Learned counsel for the Petitioner, on instructions from the Petitioner, who is also present in the Court gives an assurance to the Court that the minor girl will not be subjected to any ill-treatment and that she will not be sent to any other place particularly considering that she is pregnant at present.

7. In view of the above statements, the Court directs that the minor girl, who is present in the Court, will return with the Petitioner from the Court itself. The SHO of PS Palam Vihar Inspector Meena Yadav, who has filed the status report in the Court and is also present, will inform the concerned official at Nirmal Chaya-7 accordingly.

8. The Court further directs the Delhi Commission for Women ('DCW') to depute one of its senior staff members/counsellors to visit the residence of the Petitioner within the next week to counsel the Petitioner and the minor girl. The counsellor will also offer advice and assistance that might be needed with regard to the pregnancy of the minor girl. The SHO will coordinate the visits by the counsellor of the DCW by providing her with the mobile number of the Petitioner.

9. Mr. Mehra also informs the Court that an application will be moved before the learned MM by the IO today itself for recording the statement of the minor girl under Section 164 Cr PC. The Petitioner will cooperate in ensuring that the minor girl is produced before the Court for recording her statement.

10. With the above directions, the petition is disposed of accordingly. A certified copy of this order be delivered immediately to the Secretary, DCW through a Special Messenger for compliance.

11. *Dasti* to the parties under the signatures of the Court Master.

S. MURALIDHAR, J.

I.S. MEHTA, J.

APRIL 17, 2018
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