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

+ **W.P.(CRL.) 1656/2013**

RAM PRASAD Petitioner
Through: Mr.S.N.Bhardwaj, Advocate

Versus

STATE & ANR. Respondents
Through: Mr.Rajesh Mahajan, ASC for State.
Mr.Sanjeev Bhandari, SPP for CBI.

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

ORDER

% **04.01.2018**

1. The present petition was filed in October, 2013 by the father of a 29 year old girl Kiran Kumari, who had gone missing from her house on 23rd May, 2012. After nearly 3 years of monitoring the progress of the investigation into the Petitioner's complaint by the police, the Court disposed of the writ petition on 9th September, 2015 by the following order:-

“This is yet another unfortunate matter where a 29 years old girl has gone missing since 23.05.2012. According to the petitioner, his daughter had gone to the stitching school. The police was informed by the teacher of the school that the daughter of the petitioner was interfering in Conducting of the classes. The daughter of the petitioner was taken to the police station. Thereafter, she did not reach her home. Various status reports have been filed showing the steps taken by the respondent to recover the missing daughter of the petitioner.

One of the grievances urged by the counsel for the petitioner is that the conduct of two police officers was not above board. In addition, other grievance has been made that till he approached the court, even FIR was not lodged.

We are informed by Mr. Bhandari, Advocate who is appearing for the CBI that pursuant to the order passed by the Court from time to time, detailed investigation has been carried out and two police officers have been interrogated, even a Polygraph Test was conducted on the said police officials. Additionally, departmental proceedings are being recommended and the same shall be completed within four weeks. It is also submitted that the case would be supervised by a senior officer not less than the rank of Superintendent of Police of the CBI. We are also informed that the DNA test of the dead body which was recovered did not match with the features of the missing person.

We have heard the counsel for the parties. It is directed that the progress report including status report of departmental enquiry against those police officials be brought to the notice of the petitioner at the address mentioned in the present writ petition every three months.

In view of the above directions, the present writ petition is disposed of. The concerned Superintendent of Police shall continue to monitor and make sincere efforts to trace the missing daughter of the petitioner.

List on 27th November, 2015 for compliance.”

2. Thereafter, the matter was kept on board to monitor the further steps to be taken by the Central Bureau of Investigation (‘CBI’). On 8th March, 2017, the Court passed the following order:

“Status report has been filed. We may note that this writ petition was disposed of by an order dated 09.09.2015. We had listed the matter thereafter only to enable the CBI to report

compliance with regard to the directions so issued with respect to the departmental enquiry sought to be conducted against erring police officials. Although, we are of the view that no further orders are required to be passed, but Mr. Bhardwaj, learned counsel for the petitioner wishes to go through the last status report and for which he seeks an adjournment.

List on 10.04.2017”

3. On 17th July 2017, the Court was informed that Kiran Kumari had been recovered. On the next date, i.e., 18th July 2017, the Court noted that the custody of Kiran Kumari had been handed over to her father who had been identified by his counsel as well as by the Investigation Officer (‘IO’) in the Court. The Court noted that Kiran Kumari had been found at an institution called Mansik Mandit Ashraya Gren Shehprashikshan Kendra, Bilaspur Road, Bareilly, U.P. and was staying there since 2015. The Court directed the Manager/Secretary of the above institution to remain present in Court on the next date and for the CBI to file a detailed report of the recovery of the girl.

4. On 30th August 2017, the Court was informed that the Rajkiya Mahila Sharanalya at Meerut had handed over the girl to the aforementioned institution at Bareilly. The IO was asked to make a thorough investigation “with regard to persons involved as also the Institutes/houses where the girl was taken from time to time”. The investigation was asked to be supervised by the concerned DIG. The Court also directed the Medical Superintendent, All India Institute of Medical Sciences (‘AIIMS’) to have Kiran Kumari examined and provided medical aid, assistance and counselling.

5. Prior to the hearing on 12th December, 2017, Mr. Sanjeev Bhandari, the learned counsel appearing for the CBI submitted a detailed status report dated 10th November, 2017 of the Superintendent of Police, CBI. Enclosed with this report was a translation of the record relating to Ms. Kiran Kumari as had been received from the aforementioned institution at Bareilly. It was *inter alia* informed that arrangements had been made for her admission at AIIMS and she was also undergoing treatment with the Psychiatric Department there.

6. It is stated that as many as 80 persons in and around villages Roja Jalalpur and Roja Yakubpur falling under P.S. Bisrakh, District Gautam Budhnagar, U.P. where the girl was seen in December, 2012 by a police team of U.P. Police were examined to get information relating to the names and details of the persons involved in commission of sexual offence on the victim. However, it is stated that no information emerged “either about the circumstances leading to pregnancy of victim or identity of the person involved in the act”. It is pointed out that during the entire period of stay from 29th December, 2012 to November, 2015 of the victim at Rajkiya Mahila Sharanalya Meerut, U.P. no effort had been made by the staff of the said institution to contact her family at the address given by her, namely, Village Madhukarpur, Post Raniganj Kaithola, P.S. Lalganj Ajhara, District Pratapgarh, U.P. which in fact is stated to be her ancestral address. It is stated that S.I. Karanpal Singh of P.S. Bisrakh, District Gautam Budhnagar who recovered Kiran Kumari on 25th December, 2012 from the area of Roja Jalalpur/Roja Yakubpur died on 11th December, 2015. Another S.I. Prithvi Singh of P.S. Bisrakh associated with the medical examination of the victim

at Meerut and lodging her at the Rajkiya Mahila Sharanalya, Meerut on 28th December, 2012 under orders of the City Magistrate, Gautam Budh Nagar, U.P. retired on 31st July, 2016. As regards the role of the police of P.S. Bisrakh, the CBI has requested the SSP, Gautam Budh Nagar to forward the relevant guidelines/circulars relating to the procedure to be adopted by police officials while dealing with the mentally challenged victims.

7. The question is whether this Court should continue to keep this petition on board now that the girl has been recovered and restored to her parents and is also receiving treatment at AIIMS. Further, from the status reports filed thus far, it appears to the Court that the CBI has been continuously probing the case from all angles and there is no reason to doubt that it will not continue to do so till the investigation is taken to its logical end.

8. Mr. S. N. Bhardwaj, the learned counsel for the Petitioner, has made submissions in Court. He has also submitted a 12 page written note of submissions. He has undertaken an analysis of the various status reports and has urged that it was necessary for CBI to start a proper investigation into the entire case and to register an FIR against the erring police personnel and others. He further urges that the Petitioner's daughter is also entitled to compensation. It is stated that her father is a Railway Employee and her mother died during the pendency of the present proceedings and that he has, during this time also, suffered financial losses. The central point in the written submissions is to show that the CBI's investigation thus far is faulty.

9. However, the Court is not able to accept the above submissions. The numerous status reports filed by the CBI reveal the continuous steps taken at

various fronts to investigate the complete facts. The Court is also unable to accept the submission of Mr. Bhardwaj that the CBI has filed to comply with the directions issued by this Court. The CBI has by no means submitted, as is being suggested by Mr. Bhardwaj, that they should be allowed to file a “closure report”. On the contrary, the submission of Mr. Bhandari appearing for the CBI is that they would be submitting reports periodically to the concerned Court hereafter in FIR No.113/2013 which has been re-registered by the CBI as R.C.No.01(S)/2014-SCU.I/CBI/SC.I/New Delhi on 13th March, 2014 under Section 365 IPC.

10. The Court directs that the CBI should file copies of the status report filed thus far by it in the present case before the Court concerned. The CBI will hereafter file periodic status reports in R.C.No.01(S)/2014-SCU.I/CBI/SC.I/New Delhi before the concerned Court.

11. The matter will be listed before the concerned Court on 15th January, 2018 to enable the said Court to continue monitoring the progress of the investigation on a periodic basis. The matter should preferably be listed once every month before the said Court for that purpose. As and when a report under Section 173 Cr PC is filed before the said Court, it will be dealt with by that Court in accordance with law.

12. As regards the plea of the Petitioner for compensation, the Court is of the considered view that the said prayer is premature. The Petitioner should await the further progress in the investigation so that a clearer picture emerges as to who should be held responsible for the girl having undergone the physical and mental trauma and being lodged in 2 different institutions

in U.P. between the time when she went missing and the time she was recovered. The Court, therefore, leaves it open to the Petitioner to seek appropriate remedies in the concerned Court in accordance with law at the appropriate stage. No further directions are called for in the present petition which has already been disposed of by an order dated 9th September, 2015. The file be consigned.

S. MURALIDHAR, J.

I.S. MEHTA, J.

JANUARY 04, 2018
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