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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 2562/2018

SMT. KIRAN DEVI AGGARWAL

..... Petitioner

Through: Mr. Bharat Dubey, Mr. Divyasha
Dubey and Mr. Shubhlaxmi Dubey,
Advs.

versus

THE STATE & OTHERS

..... Respondents

Through: Mr. Rahul Mehra, Standing Counsel
(Crl.) along with Mr. Chaitanya
Gosain and Mr. Tushar Sannu, Advs.
SI Hari Ram, P.S. Mukherjee Nagar,
Delhi.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE VINOD GOEL

ORDER

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30.08.2018

1. This petition has been filed under Article 226 of the Constitution of India claiming that a girl, Pooja, who was working in the house of the Petitioner has been mistakenly ‘rescued’ by a team of Delhi Commission of Women (‘DCW’) along with the *Tehsildar* of the area on the mistaken belief “that Pooja was only 16 years old”. The prayer is that Pooja should be produced before the Court and restored to the Petitioner, as according to the Petitioner, even the bone age test of Pooja gave an opinion that she was around 20/21 years old.

2. On receipt of an advance copy of the petition, a status report dated 30th August, 2018 has been filed by the Station House Officer ('SHO') of Police Station (PS) Mukherjee Nagar, Delhi in which it is pointed out that information was received at the Police Control Room ('PCR') on 29th May, 2018 to the effect that a team of the DCW along with *Tehsildar* of the area came to the house of the Petitioner on receipt of information that a minor child was employed and confined there.

3. It appears that the SDM, Model Town recorded the statement of Pooja who stated that she came to Delhi three years ago with a lady agent, who got her employed at the house of the Petitioner at a monthly salary of Rs.3000/-. She stated that she used to do all the household chores including cleaning and dusting. She further stated that she was kept confined and was not allowed to go out. As and when her employer and their family members went out, they used to confine her in the house after locking the house from outside. Pooja further stated that whenever she fell ill, she was not given medicines and she was forced to work. She also alleged that she was not even paid her salary.

4. On the endorsement of the SDM, Model Town on the statement of Pooja, FIR No.275/2018 was registered on 29th May, 2018 under Section 75 and 79 of the Juvenile Justice (Protection and Care) Act read with Section 3/4 of the Child Labour Act and Section 16 of the Bonded Labour Act at PS Mukherjee Nagar.

5. The status report also sets out the detail of the investigation. It is stated

that girl was produced before the Child Welfare Committee-II (CWC) and her custody was handed over to Udaan, a non-governmental organisation registered with the Government of NCT of Delhi, in the shelter of which where she is presently housed.

6. The statement of Pooja under Section 164 Cr PC was recorded on 1st June, 2018 before the learned Metropolitan Magistrate. *Inter-alia* she stated therein that she was not paid a single '*paisa*' by her employers. Pooja has categorically stated that she wants to return to her home in Jharkhand. The status report acknowledges the bone age test of Pooja, conducted on 7th June 2018, revealed her age as being between 20/21 years.

7. Learned counsel for the Petitioner insisted that Pooja should be allowed to return to the Petitioner.

8. It appears to the Court that if the bone age test has revealed Pooja's age to be between 20/21 years as of today, there would be no justification for her being continued to be kept at the shelter run by Respondent No.6 (Udaan) on the basis that she is a juvenile.

9. Since Pooja has clearly expressed a desire to return to her home, which is in Jharkhand, the orders passed by the CWC-II skinng her to be kept at the shelter run by Udaan shall stand terminated. The SHO will ascertain the correct present address of Pooja in Jharkhand without delay. The SHO will immediately thereafter arrange to have Pooja sent to her address in Jharkhand with an appropriate police escort to accompany Pooja till her house in Jharkhand and her reuniting with her family.

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

S. MURALIDHAR, J.

VINOD GOEL, J.

AUGUST 30, 2018
“sandeep”