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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 2685/2018

SURESH

..... Petitioner

Through: Mr. Akhil Sharma & Ms. Isha
Aggarwal, Advocates

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. K.S. Ahuja, APP with Insp. Shri
Krishan, ATO & ASI Baljit Singh, PS
Aman Vihar

**CORAM: JUSTICE S. MURALIDHAR
JUSTICE VINOD GOEL**

ORDER

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10.09.2018

CRL.M.A. 31651/2018 (Exemption)

Exemption allowed, subject to all just exceptions.

W.P.(CRL) 2685/2018

1. The Petitioner has approached this Court with this petition seeking issuance of directions to the Respondent to produce his daughter Meena who is aged 19 years. According to him, she has been missing since 11th August 2018. On the next day, i.e. on 12th August 2018, he lodged a missing person report at Police Station (PS) PS Aman Vihar.

2. On receipt of an advance copy of the petition, Inspector Harendra Singh, SHO of PS Aman Vihar, has filed a status report dated 8th September 2018. It is stated therein that the Petitioner visited PP Prem Nagar on 22nd August 2018 stating that he learnt that one Moin Khan, his sister, and his brother-in-law along with one Vinod had forcibly abducted his daughter.

Accordingly, FIR No.820/2018 was registered for the offence under Section 365 IPC. The status report set out the steps taken by the police since then to trace the Petitioner's daughter.

3. It is stated that on 6th September 2018, contact was established with Meena via mobile phone and she informed the police that she would be coming to Delhi. On 8th September 2018, a team was sent to Village Saroli Kalan, PS Ram Nagar, District Barabanki, Uttar Pradesh, which is the native village of Moin Khan.

4. Today, both Meena and Moin Khan have appeared before the Court. Even though the Petitioner claims that when he spoke to her on the mobile phone a few days ago when Meena expressed a desire to return to the Petitioner, in Court, she has stated that she wishes to remain with Moin Khan. At this stage, we saw it fit to interact with Meena in the chamber and having done so, it emerged that she wishes to stay only with Moin Khan who she knew from before in Delhi. Both of them are now residing with Moin Khan's parents in his village in District Barabanki and she states that they are looking after her well.

5. Although she and Moin Khan are not yet married, Meena states that this is because some time is being taken for the preparation of an Aadhaar Card for Moin Khan. She is clear, however, that she wishes to reside with him only.

6. Admittedly, Meena is 19 years old and as an adult, she has made a choice of whom she wants to reside with. It is not possible, in the circumstances, for the Court to conclude that she is being detained by Moin Khan against

her wishes in his native village. The question of any directions in this petition in the nature of *habeas corpus*, therefore, does not arise.

7. Subject to Meena being willing, if the Petitioner wishes to meet her at any point in time, he may approach the SHO for help in this regard.

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

S. MURALIDHAR, J.

VINOD GOEL, J.

SEPTEMBER 10, 2018

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