

S-2 & 3

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

— **W.P.(CRL) 2765/2016**

SUSHIL KUMAR

..... Petitioner

Through: Mr. Yogesh Rathce, Advocate

versus

THE STATE (NCT OF DELHI) & ANR.

..... Respondents

Through: Mr. Rahul Mehra, Standing counsel
(Crl.) with Mr. Chaitanya Gosain,
Advocate for State with Insp. Rajeev
Ranjan, AITU/Crime Branch.

— **W.P.(CRL) 3594/2016**

SMT DAMYANTI DEVI

..... Petitioner

Through: Mr. Baldev Raj, Mr. S.S. Tyagi and
Ms. Shikha Tyagi, Advocates.

versus

STATE (GOVT OF NCT OF DELHI) & ORS.

..... Respondents

Through: Mr. Avi Singh, ASC with
Mr. Shashank Vachher, Advocate for
State.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE I.S.MEHTA

ORDER

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25.04.2018

1. These petitions have been pending before the Court for more than a year now. The concerned missing person in the present petitions, Shri Pyare Lal is the father of Sushil Kumar, the Petitioner in W.P.(Crl) 2765/2016. He is

W.P.(CRL) 2765/2016 & connected matter

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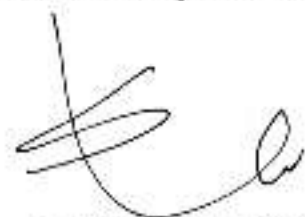
the husband of Smt. Damyanti Devi the Petitioner in W.P.(Crl) 3594/2016. Shri Pyare Lal is stated to be missing since 2nd February 2015.

2. Status reports have been filed by the Anti Human Trafficking Unit (AHTU) of the Crime Branch of Delhi Police from time to time indicating the progress of the investigation. While Sushil Kumar, the other son Sanjeev and son-in-law Raj Kumar have undergone polygraph tests, Smt. Damyanti Devi and the daughters of Shri Pyare Lal have declined to undergo polygraph test.

3. In the latest status report dated 24th April 2018 filed by Mr. Surender Kumar Gulia, Assistant Commissioner of Police, AHTU, Crime Branch it is stated that the eight mobile phones that were collected in the course of investigation were sent to the CFSL, Hyderabad but no fruitful information regarding the missing person could be found in its report. What is surprising is that the mobile sets used by Smt. Damyanti Devi, the three daughters and also Sushil and his wife Sunita on or around 2nd February 2015 were not deposited. In a tabular chart submitted in Court, it is sought to be depicted that the IMEI numbers of the mobile sets used around 2nd February 2015 were different from the IMEI numbers of the mobile sets handed over to the police for FSL examination. As a result it has been concluded in the status report that "both the suspects as well as the complainants are not truthfully cooperating with the investigations". The status report reveals that the investigating agency has been making all out efforts to trace the missing person.

4. The Court would like to emphasise that it is essential that the family members of the missing person cooperate with the police in the investigation. The investigating agency will proceed with the matter in accordance with law and file a periodic status reports before the Magistrate concerned in respect of FIR No.110/2015, registered at Police Station ('PS')-D.B.G Road. The complainant will also be kept informed of the progress of the investigation.

5. No further directions are called for. The writ petitions are disposed of.



S. MURALIDHAR, J.



L.S. MEHTA, J.

APRIL 25, 2018

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