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

+ W.P.(CRL) 3001/2018

AMIT KUMAR SINGH Petitioner

Through : Mr. Hanish Saharawat, Adv. with
petitioner in person.

versus

GOVT OF NCT OF DELHI Respondent

Through : Mr. Rahul Mehra, Standing Counsel
(Crl.) with SI Karmveer Singh &
ASI Bimla Devi, AHTU/
Crime Branch.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% 26.10.2018

1. Pursuant to the order dated 12.10.2018, a fresh status report has been filed by the respondent/State on 25th October, 2018, stating *inter alia* that on 12.10.2018, a raid was conducted at Village Gadadiya Vasantpur, PS Nebua, District Kushinagar, UP where the missing girl namely Aanchal, daughter of the petitioner was recovered from the house of Aditya Giri. Subsequently, Aditya Giri was arrested during the course of investigation; that on 13.10.2018, Ms. Aanchal was produced before the Duty MM, Rohini Court and her statement was got recorded under Section 164 CrPC. In her statement, Ms. Aanchal had stated that her paternal uncle, (Bade Papa)

namely, Adesh Kumar Singh has sexually harassed her 4 to 5 times in the absence of her mother who was ill for a long time and that her father is mentally weak. Ms. Aanchal had stated that she had narrated all the incidents of harassment to her mother but she did not believe her. She had also narrated the said incident to her friend and neighbour, Mr. Aditya Giri. It is the version of Ms. Aanchal that one day, her uncle had threatened her that he is going to sell their house and he will see how Aditya can save her from him. She wrote a letter to Aditya Giri that if he does not take her away with him, she will commit suicide. On 11.9.2018, Ms. Aanchal ran from her house. Aditya Giri took her to his native village from where she was finally recovered.

2. On 13.10.2018, Ms. Aanchal was got medically examined in Delhi but she refused her internal medical examination. She has also denied any sexual relationship with Aditya Giri during her stay with him or complained of any sexual assault by him. On 15.10.2018, Ms.Aanchal was produced before the Child Welfare Committee VI, Asha Kiran, Avantika, Sector-1, Rohini. As she refused to go back to her home, CWC sent Ms.Aanchal to Kasturba Niketan, Bakhtawarpur, Delhi till 30.10.2018. The status report states that efforts are being made to arrest and interrogate Mr. Adesh Kumar and several raids have been conducted at possible hide outs. Further, Sections 354A and 354C of the IPC and Section 8, POCSO Act have been added in this case against Mr. Adesh Kumar.

3. Today Ms. Aanchal is present in Court and so are her parents, the petitioner herein and his wife, Ms. Pragya. We have extensively interacted with Ms. Aanchal as also with her parents in the Chamber. Ms.Aanchal has

reiterated the allegations she had levelled against Mr.Adesh Kumar with regard to sexual harassment at his hands in the absence of her mother. She, however, states that she wishes to go back to her home with her parents and the only apprehension expressed is with regard to Mr. Adesh Kumar returning to their home and harassing her.

4. The petitioner and his wife have assured the Court that Mr.Adesh Kumar will no longer reside in their home. They have also stated that they will take all care in future and ensure that Ms.Aanchal is not harassed by Mr.Adesh Kumar either at their home or when they go to their native place where he was earlier residing with his family members i.e., three-four years ago whereafter he came to the city looking for work and started to reside with the petitioner and his family. The home where the petitioner with his family is residing, belongs to Ms.Aanchal's mother, Ms.Pragya. Ms.Aanchal has clearly stated that she has no objection to her younger paternal uncle (Chacha) namely, Mr.Karan Singh continuing to reside at their home. Her objection is only in respect of Mr.Adesh Kumar.

5. In view of the clear and categorical statement made by Ms.Aanchal and the assurance given by the petitioner and his wife, Ms.Aanchal is directed to be released forthwith to enable her accompany her parents to their home today itself.

6. The Standing Counsel (Criminal) shall ensure that two mobile numbers of the SHO and the Beat Constable, PS Aman Vihar are furnished to Ms.Aanchal so that she can reach out to them in case of any need. The SHO of the area is further directed to ensure that the Beat Constable visits Ms. Aanchal and her mother Pragya at their residence once a week for next

three months and thereafter, on a bi-weekly basis till she settles down.

7. The present petition is disposed of.

HIMA KOHLI, J.

YOGESH KHANNA, J.

OCTOBER 26, 2018

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