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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 16.11.2018

W.P.(CRL) 3135/2018

ANJANI KUMAR RAI

..... Petitioner

Versus

STATE OF NCT OF DELHI & ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Saurabh Kansal, Advocate along with Petitioner in person
For the Respondents : Mr. Rahul Mehra, Standing Counsel (Criminal) and Inspector
Parvinder and SI Sandeep, AHTU/SD

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

J U D G M E N T

SIDDHARTH MRIDUL, J (ORAL)

1. The present petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 instituted on behalf of the petitioner prays as follows:-

“In the facts and circumstances of the case, it is most respectfully prayed that this Hon’ble Court may be pleased to:-

- (a) To issue a writ in the nature of habeas corpus and/or directions/ orders to the police to find out the petitioner’s daughter (namely Anuradha Rai) and produce her before this Hon’ble Court.
- (b) Any other further order/relief which this Hon’ble Court may deem fit and proper, in the facts and circumstances of the case under the facts and circumstances of the present case.”

2. A perusal of the order dated 10.10.2018 passed by this Court would reveal that, the investigation in this matter was transferred to the Anti Human Trafficking Unit (AHTU). In compliance of the said order, a status report dated 13.11.2018 has been filed by the Deputy Commissioner of Police.

3. A bare perusal of the said status report would reveal that, a letter dated 08.10.2018 and a copy of the birth certificate of the missing girl, Ms. Anuradha Rai, d/o Mr. Anjani Kumar Rai, the petitioner herein, was received in PS Sangam Vihar vide Dy. No.2372/BHC dated 08.10.2018. The status report further reveals that, as per the contents of the letter, Ms. Anuradha Rai left her maternal house of her own accord as she was maltreated by her parents. Further, the status report records that, the date

of birth of Ms. Anuradha Rai as recorded in the birth certificate received vide Dy. No.2372/BHC dated 08.10.2018, is 14.11.2000, in contradistinction to 14.11.2002, as recorded in the FIR. It has also been stated that, the Petitioner/father of Ms. Anuradha Rai, disputed the birth certificate received vide Dy. No.2372/BHC dated 08.10.2018. Further, it has been stated that, upon investigation, two birth certificates of Anuradha Rai came on record. It has also been stated that, the handwriting sample of Ms. Anuradha Rai, and the letter dated 08.10.2018, were been sent to the RFSL, Chanakyapuri for obtaining expert opinion. It has furthermore been stated that, the IMEI number of the accused Uma Shankar was not found active and that, after analyzing the CDR details, no clue had been found in relation to either him or Ms. Anuradha Rai.

4. Be that as it may, Ms. Anuradha Rai has appeared in person in the Court today, along with her neighbor, Ms. Bindu Devi. We have interacted with Ms. Anuradha Rai, Ms. Bindu Devi, the petitioner/father, and the wife of the petitioner, in Chambers.

5. It is an admitted position that, the date of birth of Ms. Anuradha

Rai is in fact 14.11.2000. Ms. Anuradha Rai has expressed her desire to live along with Ms. Bindu Devi, who is resident of H.No.J-2.B-142, Gali No. 2, Sangam Vihar, South Delhi, Delhi.

6. Ms. Bindu Devi, who is present in person before this Court, undertakes to allow Ms. Anuradha Rai to reside with her and further to provide good care to her.

7. In view of the circumstance that, Ms. Anuradha Rai is an adult, aged 18 years and 02 days as of date, and has expressed her desire to live with Ms. Bindu; and in view of the undertaking of taking due care of Ms. Anuradha Rai, furnished to this Court by Ms. Bindu Devi; the SHO, PS Sangam Vihar, is directed to ensure the wellbeing and safety of Ms. Anuradha Rai.

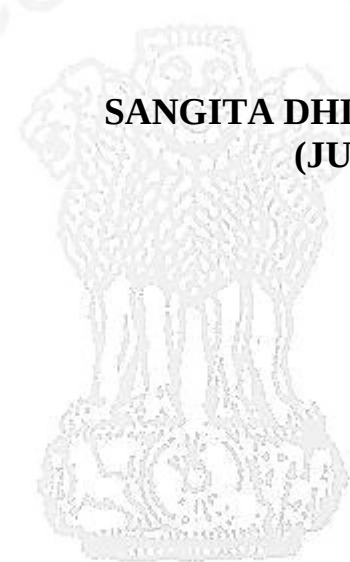
8. The SHO, PS Sangam Vihar, is also directed to sensitize the Beat Constable, PS Sangam Vihar, in this behalf, and is further directed to provide Ms. Anuradha Rai the mobile telephone numbers of the Beat Constable, the SHO concerned and one lady SI, so as to enable Ms. Anuradha Rai to contact the police in the event of any threat or apprehension.

9. With the above directions, the present petition is disposed of.

**SIDDHARTH MRIDUL
(JUDGE)**

**SANGITA DHINGRA SEHGAL
(JUDGE)**

NOVEMBER 16, 2018
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