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

+ W.P.(CRL) 3470/2018

RAJENDER SAHU

..... Petitioner

Through: Mr. Purushottam Kumar, Advocate with  
petitioner in person.

versus

STATE & ORS

..... Respondents

Through: Mr. Rahul Mehra, Standing Counsel  
(Crl.), GNCTD with Mr. Chaitanya Gosain,  
Advocate and Inspector Rajesh Sharma and ASI  
Rakesh, PS: Jafrabad alongwith the missing girl,  
Ms. Shikha.

**CORAM:**

**HON'BLE MS. JUSTICE HIMA KOHLI**

**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

**ORDER**

% **05.12.2018**

1. A status report has been filed by the respondent No.1/State, wherein it is averred that on 24.11.2018, the missing girl, Shikha was traced in the local market of village Jaale, District Darbhanga, Bihar, where she was identified by her brother, Amit, who had accompanied the police team to District Darbhanga. The statement of Shikha was recorded under Section 161 Cr.PC on 24.11.2018, whereafter she was brought back to Delhi on 26.11.2018.

2. On 27.11.2018, the medical examination of Shikha was done at Jai Prakash Hospital, where she refused to undergo any gynaecological examination. She was produced and counselled before the Child Welfare

***W.P.(CRL) 3470/2018***

***Page 1 of 3***

Committee (CWC) on the very same day and CWC directed that she be lodged at Sanskar Ashram, Dilshad Garden, Delhi. On 28.11.2018, the statement of Shikha was recorded by the learned Metropolitan Magistrate, Karkardooma Courts, Delhi under Section 164 Cr.PC wherein she stated that her parents were pressurizing her for marriage against her wishes, due to which she left home and arrived at Darbhanga where stayed with her friend, Annu. The statement of the missing girl is enclosed with the Status Report and marked as Annexure-A. On 29.11.2018, she was again produced before the CWC but since her parents did not turn up, she was directed to be housed at Sanskar Ashram.

3. Today, the missing girl is present in Court. She states that she is 17 years of age, though in the documents enclosed with the writ petition, her date of birth is mentioned as 12.03.2002. We have interacted with Ms. Shikha, who reiterates the stand taken by her in her statement recorded under Section 164 Cr.PC.

4. Counsel for the petitioner submits that the respondent No.1/State has not investigated the matter from the angle of Shikha being taken away by the respondent No.3, Ganesh, nephew of respondent No.5, who lives in the neighbourhood. Learned counsel hands over a photograph of Ms. Shikha, showing vermilion on her forehead and it appears that she had got married. Ms. Shikha categorically denies having got married. She is however unwilling to state as to how and under what circumstances was this photograph taken, which has a signboard of Police Station: Jaali, District Darbhanga in the background.

5. Keeping aside the aforesaid issue, as Ms. Shikha states that she is now willing to go back with her parents, who are present in Court and are more willing to take her back, she is permitted to accompany her parents from the Court itself alongwith the I.O. to Sanskar Ashram, where her belongings can be returned to her. The Investigating Officer shall facilitate handing over of the belongings to Ms. Shikha at Sanskar Ashram.

6. The angle of investigation in respect of the respondents No.3 and 5 is left open for the police to take it to its logical conclusion.

7. The petition is disposed of.

**DASTI** to the Standing Counsel (Crl.), GNCTD under the signatures of the Court Master.

**HIMA KOHLI, J**

**MANOJ KUMAR OHRI, J**

**DECEMBER 05, 2018**

rkb/na