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

+ **W.P.(CRL) 3397/2019**

SUBRAT ALI

..... Petitioner

Through Mr. S.P. Gairola, Advocate along
with petitioner.

versus

THE STATE (GOVT. OF NCT DELHI) & ORS Respondents

Through Mr. Rahul Mehra, Standing Counsel
(Crl.) along with Mr. Chaitanya
Gosain, Advocate for GNCTD.
Inspector Satyawan, SI Jitender, ASI
Ramesh, P.S. Sonia Vihar.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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13.12.2019

The present petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, was instituted seeking a direction to the official respondents to locate, recover and produce Ms. Rukshar, the minor daughter of the petitioner, namely, Mr. Subrat Ali, before this Court.

Pursuant to issuance of directions by this Court vide Order dated 6th December, 2019, the Delhi Police has recovered Ms. Rukshar, from Village-Nandigram, District Ranga Reddy, Andhra Pradesh, on the 11th December, 2019.

On the 12th December, 2019, Ms. Rukshar was brought in the care of

the Woman Constable Premlata, who escorted her for counselling by Ms. Yogita from Sophia Education & Welfare Society, Yamuna Vihar, Delhi.

It is asseverated on behalf of the Delhi Police that, Ms. Rukshar has repeatedly stated that she had gone with one Shashi (who is her neighbour), of her own free will and that, no offence in relation to her person has been committed. Ms. Rukshar was taken for medical examination at Jag Parvesh Chandra Hospital on 12th December, 2019 and vide MLC No. 18155/19, it was recorded that, she had refused internal medical examination. It is further asserted on behalf of the Delhi Police that the parents of the girl also declined permission for her internal medical examination. It is lastly observed that the UPT Test is negative.

We have interacted with the minor girl, as well as, her father, Mr. Subrat Ali, individually and collectively in Chamber, at length.

Ms. Rukshar has expressed her desire to return to her parental home subject to an assurance from her parents that, they will treat her with respect and affection. Mr. Subrat Ali, the girl's father has undertaken before us that, he shall ensure the well-being and welfare of Ms. Rukshar, including affording her the resources as may be required by Ms. Rukshar to complete her education. Mr. Subrat Ali, has further undertaken that, Ms. Rukshar will have no cause for complaint, if she is handed over in his care and custody.

The undertaking furnished on behalf of the father, Mr. Subrat Ali, is hereby accepted, directing him to comply therewith, without demur. Ms. Rukshar shall be escorted by the Delhi Police to the Magistrate concerned for recording of her statement under Section 164 Cr.P.C, forthwith and immediately thereafter released into care and custody of her father, Mr. Subrat Ali. The Delhi Police need not produce Ms. Rukshar before the

concerned Child Welfare Committee. It is, however, directed that the SHO of the concerned Police Station, shall depute a Woman Constable in plain clothes to visit Ms. Rukshar, on a regular basis and be sensitized in this behalf, so as to ensure the latter's welfare and well-being at her parental home. The telephone number of the concerned SHO, Police Station Sonia Vihar, as well as of the said Lady Constable shall also be provided to Ms. Rukshar, so as to enable her to inform them, in the event of any threat or apprehension.

With the above directions, the writ petition is allowed and disposed of.

Copy of the order be given dasti under signature of the Court Master to learned counsel for the parties.

SIDDHARTH MRIDUL, J

I.S.MEHTA, J

DECEMBER 13, 2019
RS