

\$~12

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

+ W.P.(CRL) 185/2019

SATYA PRAKASH

..... Petitioner

Through: Mr. L.S. Solanki, Advocate.

versus

STATE (GOVT OF NCT OF DELHI) & ORS Respondents

Through: Mr. Rahul Mehra, SC (Crl.) for GNCTD
with Mr. Chaitanya Gosain, Advocate.

Mr. V. Madhukar and Mr. Rakesh Sharma,

Advocates for the missing girl, Ms. Nisha and R-2.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **21.01.2019**

Crl. M.A. No. 1255/2019 (Exemption)

Allowed, subject to all just exceptions.

W.P.(CRL) 185/2019

1. The present petition has been filed by the petitioner praying *inter alia* for issuance of a writ of *habeas corpus* on the ground that the respondent No.2 has a hand in his 25 years old daughter, Ms. Nisha, having gone missing on 16.11.2018. It has been averred in the petition that despite a complaint made by the petitioner to the respondent No.3/SHO, P.S. Uttam Nagar on 18.11.2018, based whereon FIR No. 1094/2018 has been registered against the respondent No.2, no effective steps have been taken by the police so far to trace the missing girl.

2. Notice.

W.P.(CRL) 185/2019

Page 1 of 3

3. Mr. Mehra, Standing Counsel (Crl.) accepts notice and hands over a Status Report, signed by the SHO P.S. Uttam Nagar, wherein it has been stated that on 21.11.2018, the police had moved an application before learned Link M.M., Dwarka with a request that the statement of Ms. Nisha be got recorded under Section 164 Cr.P.C., which was done by the learned Duty MM, Dwarka courts.

4. In her statement under Section 164 Cr.P.C. enclosed with the Status Report, Ms. Nisha has stated that she had left her home voluntarily with Bobby and has got married with him in an *Arya Samaj Mandir* on 19.11.2018. Thereafter, they are living peacefully together. Ms. Nisha also stated that she has an apprehension from her brother and has requested for police protection.

5. We are informed that subsequently both, the petitioner's daughter and the respondent No.2 have jointly filed a writ petition [W.P.(Crl.) No.157/2019] in this court for seeking protection against the petitioner and his family members. The said petition was listed before learned Single Judge on 18.01.2019. However, as the Court had not assembled on that date, the same was adjourned to 13.03.2019.

6. Mr. V. Madhukar, Advocate enters appearance on behalf of Ms. Nisha and the respondent No.2 and states that he is the one, who has filed the captioned writ petition where the couple is seeking protection. He states that an advance copy of the paper book was directly supplied to the petitioner, which fact is denied by learned counsel for the petitioner.

7. Learned counsel for the respondent No.2 shall furnish another copy of the said petition to the learned counsel for the petitioner in the course of the day. The petitioner shall ensure his presence before the learned Single Judge on 13.3.2019.

8. Having regard to the Status Report filed by the State, we are of the opinion that no directions are required to be passed in this petition for the production of Ms. Nisha, who has expressed a threat to her life and as also the respondent No.2, against the petitioner and his family members.

9. The present petition is accordingly disposed of.

HIMA KOHLI, J

MANOJ KUMAR OHRI, J

JANUARY 21, 2019

ap