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

+ W.P.(CRL) 737/2019

COURT ON ITS OWN MOTION

..... Petitioner

versus

STATE & ANR.

..... Respondents

Through: Mr. Rahul Mehra, Standing Counsel
(Criminal) for the State with Insp. Shishu
Pal, SI Vinay Kumar & HC Jay Kumar,
PS Neb Sarai.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

% **12.03.2019**

1. The petition has been placed before this Bench on the recommendation of the PIL Committee of the High Court before whom a letter dated nil addressed by Ms. Meena was placed stating *inter-alia* that her husband, Amar Singh had been kidnapped by one Matru and his associates on 04.08.2018. On 10.10.2018, the PIL Committee called a report from the DCP, South District.

2. Pursuant thereto, a report dated 09.01.2019 was submitted by the SHO, PS Neb Sarai referring to the various steps taken to trace the missing person. The said Status Report begins by noting that on 08.08.2018, Mahesh, son of the missing person had approached PS Neb Sarai and reported about his father going missing. The Status Report dated 09.01.2019 does not mention the date on which FIR No.578/18 was

registered under Section 365 IPC. The documents placed before us include some letters addressed by the wife of the missing person to PS Neb Sarai with copies marked to the ACP Mehrauli, DCP Hauz Khas, Commissioner of Police and other authorities. One of the letters dated nil, bears the endorsements of receipt by the Office of the Commissioner of Police on 03.10.2018, the Joint Commissioner of Police on 04.10.2018 and the DCP, South District, New Delhi on 08.10.2018.

3. Today, a Status Report is handed over by Mr. Rahul Mehra, Standing Counsel (Criminal), wherein it is stated in para 8 that FIR No.578/2018 was registered in this case on 28.12.2018. Having regard to the fact that different departments of the Delhi Police, right upto the office of the Commissioner of Police had received the representation of Ms. Meena regarding her missing husband wherein she had mentioned the names of persons against whom she had some suspicion as early as in the first week of October, 2018, we have requested learned Standing Counsel (Crl.) to explain as to why and how did it take three months for the Delhi Police to register the FIR. We have also inquired as to whether any efforts were made by the police to approach the persons against whom a finger of suspicion had been raised by the complainant and whether the mobile numbers furnished by her have been verified.

4. Learned Standing Counsel (Crl.) states that he will have to obtain instructions in this regard after examining the department's file.

5. In the first instance, we have requested Mr. Sumeet Verma, Advocate, who is present in court to assist us in the matter. He has graciously agreed

and is appointed as an *Amicus Curiae*. The Registry shall prepare two sets of the paper book, one for Mr. Verma, Advocate and the other for Mr. Mehra, learned Standing Counsel (Crl.). Secondly, the presence of Ms. Meena is required. Notice be issued to her without process fee for the next date. She shall be served through the S.H.O. of the area.

6. Fresh Status Report shall be filed by the DCP, South District, within one week with necessary details of the action taken to trace the missing person w.e.f. 08.08.2018, the date on which a compliant was first received at PS Neb Sarai. The affidavit shall also separately explain the delay in registering the FIR in the present case.

7. List on 26th March, 2019.

HIMA KOHLI, J.

VINOD GOEL, J.

MARCH 12, 2019

“sandeep/AA”