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

+ **W.P.(CRL) 2728/2018**

SUKU LAL SUNAR Petitioner
Through **Mr. Sunil Tiwari, Advocate**

versus

THE STATE (NCT OF DELHI) & ORS. Respondents
Through **Mr. Rahul Mehra, SC (Crl.) with**
Mr. Chaitanya Gosain, Advocate for
the State
SI Karamveer Singh, AHTU/Crime
Branch

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% 08.01.2019

1. On the last date of hearing, learned counsel for the petitioner had sought time to obtain instructions from the petitioner as to whether he is aware about the whereabouts of his daughter and also whether he proposes to pursue the present petition.
2. Today, learned counsel for the petitioner states that he has made several efforts to contact the petitioner, through a friend of his. The petitioner has gone back to Nepal and has conveyed that he does not wish to pursue the present case any further. Learned counsel is not aware as to whether the petitioner's daughter has gone back to Nepal or not but states that in any case, she is a major and since the petitioner does not have the funds to pursue the present petition, he may be discharged from the matter.

3. While disposing of the petition, we are of the opinion that the present matter needs to be kept alive for examining the action taken by the State after the episode wherein the petitioner's daughter along with 9 other girls, housed at Sanskar Ashram, had left in the night of 01.12.2018, without informing the night duty staff. Even today, all the 9 girls remain untraceable.

4. A Status Report handed over on behalf of the Department of Women and Child Development, Govt. of NCT of Delhi states that the service of four contractual employees engaged in Sanskar Ashram for Girls, have been terminated, all night duty security guards who were on duty on the date of the incident, have been removed/ replaced by the concerned Security Agency and instructions have been issued to levy penalties on the said Agency, in terms of the agreement governing the parties. The Department has also directed that surprise inspections should take place in all the Homes run by the Government of NCT of Delhi and the NGOs, that are recognised by the government, at late hours to ensure the security of the inmates and in order to avoid any future incident of escape.

5. Mr. Rahul Mehra, Standing Counsel (Crl.) informs the Court a decision in respect of officers posted at the Sanskar Ashram is under consideration and the disciplinary authority shall take a view of the matter after examining the report placed before him.

6. Now coming to the Status Report filed by the AHTU Crime Branch regarding the 9 missing girls, it is stated that most of the girls are above the age of 18 years and they had wanted to be transferred to Catalyst Critical Care Home where inmates are given relatively more freedom for going about their daily routine.

7. If the missing girls are adults, in any case, they could not have been forcibly retained in the Child Care Home. In fact, on attaining adulthood, girls and boys ought to normally be moved to the Short Stay Homes/ Nari Niketan/ After Care Homes, as the case may be. We may hasten to add here that the above view shall not be treated as a compulsion on those girls/boys who have attained majority but are comfortably placed in the Child Care Homes to be relocated / displaced. Only if they are willing to move out, should any steps be taken in that direction.

8. We are of the view that there is a need for better coordination between the Homes and the local police so that there is no recurrence of an incident of this nature. The beat constables and PCR Vans of a particular district must remain in regular touch with the Superintendents of the respective Homes and the Security guards guarding the Homes. Further, the CCTV coverage within the Homes need to be tightened. The Department shall take necessary steps wherever required and furnish the information in the next Status Report.

9. A copy of this order be also placed before the Commissioner of Police for appropriate directions to be issued to all the concerned heads of each districts.

10. List on 06.03.2019 to await fresh Status Report.

DASTI.

HIMA KOHLI, J

MANOJ KUMAR OHRI, J

JANUARY 08, 2019

sm/j

W.P.(CRL) 2728/2018

P-3/3