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

+ W.P.(CRL.) 3396/2019

SMT. SANGEETA

..... Petitioner

Through

Mr.Arun Kumar, Advocate with
petitioner in person.

versus

STATE & ORS.

..... Respondents

Through

Mr.Rahul Mehra, standing counsel
(Crl.) for the State with
Mr.Chaitanya Gosain and
Mr.Divyank Tyagi, Advocates.
SI Pankaj, PS Kirti Nagar.
Inspector Hukum Singh with SI
Shiv Charan, PS Dayal Pur.
Mr.Mukesh Thakur with
Mr.Narendra Dodha, Advocates for
R-4 with R-4 in person.

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Date of Decision: 24th February, 2020

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

J U D G M E N T

MANMOHAN, J: (Oral)

1. Present writ of habeas corpus had been filed by the petitioner-mother seeking production of her minor daughter-Ms.Komal Singh @ Sandhaya

2. In the present petition, it had been averred that the date of birth of Ms.Komal Singh @ Sandhaya was 20th September, 2002 whereby she was

claimed to be a minor aged about 17 years. It had also been averred in the present petition that Ms.Komal Singh @ Sandhaya had allegedly married respondent no.4-Mr.Pankaj Kumar, who was a neighbour of the petitioner.

3. On 05th December, 2019, this Court had issued notice to the standing counsel for the State and on 30th January, 2020, this Court had directed the police to produce the parents of respondent no.4-Mr.Pankaj Kumar on the next date of hearing i.e. 12th February, 2020.

4. On 12th February, 2020, this Court had passed the following order:-

“The petitioner, who is personally present in Court, states that when she was informed that her daughter had run away with respondent no.4-Pankaj Kumar, she had slapped the said respondent 4-5 times.

However, respondent no.6-Sunny, who is personally present in Court, states that the petitioner, her husband as well as her neighbour had beaten the respondent no.4-Pankaj Kumar mercilessly and caused him head injuries. He states that Police refused to entertain the respondent no.4-Pankaj Kumar’s complaint.

The Police is directed to verify the birth certificate of the missing girl-Komal, issued by the Municipality, and file a fresh status report under the signature of the concerned DCP, within a week.

List on 24th February, 2020.

The personal presence of respondent nos.5, 6 & 7 is dispensed with.

5. The police has now filed a status report dated 19th February, 2020 under the signature of DCP North-East, in which it has been averred that the missing girl- Ms.Komal Singh @ Sandhaya and respondent no.4-Mr.Pankaj Kumar had returned home on 06th February, 2020 and met the petitioner. It is further stated in the status report that the petitioner kept

Ms.Komal Singh @ Sandhaya with her and asked the respondent no.4- Mr.Pankaj Kumar to leave the house. It is also stated in the status report that the petitioner hid Ms.Komal Singh @ Sandhaya at her village i.e. Kauru Farhadpur, Kanpur, U.P. On 14th February, 2020, the police team recovered the missing girl- Ms.Komal Singh @ Sandhaya from the custody of her father-Sh.Ram Lakhan Singh from village Kauru Farhadpur, Kanpur, U.P.

6. In the status report dated 19th February, 2020, it has also been stated that, as per the birth certificate, the date of birth of Ms.Komal Singh @ Sandhaya is 20th September, 2000 and not 20th September, 2002, as mentioned by the petitioner. The status report dated 19th February, 2020 is reproduced hereinbelow:-

1. *“That on last date of hearing i.e. 12/02/2020 the Hon’ble Court directed to verify the Birth Certificate of the missing girl-Komal issued by the Municipality and to file a fresh status report under the signature of the Concerned DCP.*
2. *That on 12/02/2020 during investigation of case, a secret informer intimated that the missing girl Komal and Pankaj returned to the home on 06/02/2020 and met with Smt. Sangeeta, (the present petitioner). He further informed that Smt. Sangeeta kept Komal with her and asked Pankaj to leave the home. The informer told that she might have hidden the girl at her native place or somewhere with her relatives. Said information was got developed and on technically surveillance it was come into notice that the location of one of relative is at village Kauru Farhadpur, Kanpur (UP).*
3. *That on 13/02/2020 a team comprising of SI Shiv Charan, Constable Manoj and W/Ct. Priyanka was constituted for the recovery of missing girl. In the evening the team departed to village Kauru Farhadpur, PS Mangal Pur, Kanpur (UP).*

4. *That on 14/02/2020 the team conducted raid at the native house of the petitioner situated at village Kauru Farhadpur, PS Mangal Pur, Kanpur (UP) and recovered missing girl- Komal. At that time, missing girl was in the custody of her father Ram Lakhan Singh. The team brought the missing girl to Delhi and was got medically examined vide MLC No. C/3912/17/2020 at G.T.B Hospital, Delhi, in which doctor has mentioned that "No h/o of physical assault or sexual assault". The missing girl Komal refused for her internal medical examination.*
5. *That on 15.02.2020 missing girl was produced before Ld. MM, KKD Court by IO/SI Shiv Charan and her statement u/s 164 Cr.PC was got recorded. In her statement Komal stated that she solemnized marriage with Pankaj at her own will and they were residing at one rented house situated at Chandigarh. She further stated that she wants to go with her husband Pankaj.*
6. *That the Birth certificate of the girl Komal has been got verified from the concerned MCD office. As per record of MCD office, Rajpura road, Delhi, the birth certificate of Komal was found in the name of Sandhya d/o Ram Lakhan and Sangeeta and date of birth is 20.09.2000. Further it is mentioned that in marriage certificate, both names Komal and Sandhya are mentioned. In this regard the IO also recorded the statement of the father of the missing girl. He stated that around the year 2000 her youngest daughter Komal was born on his request, one of his known, Kamla had got the birth of Komal registered at Rana Pratap Bagh MCD office, showing her address. Now Kamla has now expired. Investigation of the case is pending and as in progress.*

Thus, the missing girl has already been recovered and will produce before the Hon'ble Court on next date of hearing i.e 24.02.2020.

The report is being submitted for kind perusal and the undersigned is willing to abide by the directions passed by the Hon'ble Court in this regard.

Submitted please"

7. Today we asked the petitioner, who is personally present in Court, as to why she had not disclosed to this Court on 12th February, 2020 that her daughter- Ms.Komal Singh @ Sandhaya had returned home on 06th February, 2020 and was in her custody since then.

8. The petitioner admits that she had not only suppressed facts from this Court but had made false averments before this Court on 12th February, 2020. She, however, states that she had not disclosed true facts as she had been emotionally blackmailed by her daughter- Ms.Komal Singh @ Sandhaya.

9. We have spoken to Ms.Komal Singh @ Sandhaya, who is personally present in Court. She states that she was forcibly sent with her father to the village Kauru Farhadpur, Kanpur, U.P. against her wishes and was not produced before this Court on 12th February, 2020 on the false pretext that she would be married to respondent no.4-Mr.Pankaj Kumar forthwith.

10. As the petitioner had admittedly not disclosed true facts on 12th February, 2020, this Court is of the view that it strikes a blow at the rule of law and no Court can ignore such conduct which has the tendency to shake public confidence in the judicial institutions because the very structure of an ordered life is put at stake.

11. At this stage, the petitioner who is personally present in Court, prays for leniency and undertakes that she would work for eight hours daily for five consecutive days in Sanskar Ashram, Dilshad Garden, Delhi.

12. The oral undertaking given by the petitioner that she would work at Sanskar Ashram, Dilshad Garden, Delhi for a period of five days w.e.f.

02nd March, 2020 is accepted by this Court and she is held bound by the same.

13. Keeping in view the aforesaid, this Court is of the view that ends of justice would be met if the petitioner is held guilty of criminal contempt of Court and is sentenced to imprisonment till the rising of the Court. Ordered accordingly.

14. Since Ms.Komal Singh @ Sandhaya wants to stay with respondent no.4-Mr.Pankaj Kumar and she is a major, she is free to go with Mr.Pankaj Kumar.

15. With the aforesaid observations, the present criminal writ petition stands disposed of. Order *dasti* under the signature of the Court Master.

MANMOHAN, J

SANGITA DHINGRA SEHGAL, J

FEBRUARY 24, 2020
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