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

+ W.P.(CRL) 3095/2019

LALLU RAM

..... Petitioner

Through

Ms. Binisa Mohanty, Adv.

versus

STATE OF NCT OF DELHI & ORS

..... Respondents

Through

Ms. Nandita Rao, ASC (Crl.) for State
with SI Govind Singh, PS Uttam
Nagar.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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23.01.2020

Crl. M. A. No.39607/2019

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(Crl.) No.3095/2019

3. The petitioner has filed the present petition, *inter alia*, praying that direction be issued to the respondents to take necessary steps to conduct a proper investigation in connection with FIR No.0580/2019 under Section 363 of the IPC, registered with Police Station Uttam Nagar. The said FIR was lodged by the petitioner. He has stated that his daughter, who was aged 14 years, left home for school on 27.09.2019 at about 8:30 am and had not returned home. He has also stated that he suspected one Rajiv @ Lala, who lived in the locality, to be involved in kidnapping his daughter.
4. The status report indicates that efforts were made to trace the missing girl and she was finally recovered on 12.01.2020 from Nepal. She had gone to Nepal with Rajiv @ Lala. She was produced in court and her statement under Section 164 of the Cr.P.C. was recorded. In her statement, the child

stated that as her parents were getting her married with another person. Similarly, Rajiv's parents were also getting him married to another person. This was not acceptable to them and, therefore, on 27.09.2019, she had gone to Nepal with Rajiv @ Lala. She stated that she was born in the year 2002 but her father had entered her wrong date of birth in the school records. She also unequivocally stated that Rajiv had not established any physical relation with her and had not done any wrong act. The girl was also produced before the Child Welfare Committee.

5. Ms. Rao, learned ASC appearing for the State submits that the girl's date of birth is recorded as 08.05.2006 in her school records but inquiries have revealed that she has a younger brother, whose year of birth has been recorded as 2003. The year of birth of her elder sibling is recorded as the year 1999.

6. In the circumstances, the statement made by the girl under Section 164 of the Cr.P.C. stating that the year of her birth is 2002, does not seem to be incorrect. The child is since living with her parents. Further, it is stated that the police are in the process of filing a closure report.

7. In view of the above, this Court is unable to readily accept that there has been any lapse in the investigation.

8. Accordingly, the petition is dismissed. All rights of the petitioner to file a protest petition in case a closure report is filed, are reserved.

VIBHU BAKHRU, J

JANUARY 23, 2020
DR