

\$~6

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

+ **W.P.(CRL) 1137/2020**

MADINA KHATOON

..... Petitioner

Through Mr M. Hasibuddin and Mr Sourav
Ghosh, Advocates.

versus

THE STATE (GOVT. OF NCT OF DELHI) & ANR..... Respondents
Through Ms Richa Kapoor, ASC for State
with IO Suruchi Sah.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

28.07.2020

[Hearing held through video conferencing]

CRL. M.A. 9991/2020

1. Allowed, subject to all just exceptions.

W.P.(CRL) 1137/2020

2. The petitioner has filed the present petition, *inter alia*, praying as
under:-

"Direct the respondent no. 1 to transfer the
investigation of FIR No.334/2019, u/s 363 IPC,
P.S: Govindpuri to Crime Branch/DIU or any other
agency to initiate the investigation and action
against the culprits in the interest of Justice."

3. It is the petitioner's case that her minor daughter went missing on
04.02.2019 and she had filed a missing person report. Her daughter was

recovered on 17.10.2019, however, thereafter the concerned police officials did not take proper steps to investigate the matter and to bring the guilty to book. It is in this background that the petitioner has filed the present petition.

4. Ms Kapoor, learned ASC appearing for the State submits that the police officials have been trying to assist the petitioner, however, the petitioner and her minor daughter (aged 16 years) are not cooperating with the investigation. She states that initially a report was made that the petitioner's daughter had left with her friend and had not come back home. She states that on 17.10.2019 she was found sitting in a park with one Chandan Kumar. Her statement under Section 164 Cr.PC was recorded, however, the allegations made therein were not sufficient to proceed further. Nonetheless, the police officials have been attempting to conduct further investigations but the petitioner is not cooperating

5. Mr Hasibuddin, learned counsel appearing for the petitioner disputes the above. He states that the petitioner has been relentlessly following up with the police officials for further proceedings but the attitude of the concerned IO is negative. He submits that the IO had made appointments with the petitioner on more than two occasions but had not kept them.

6. In the above circumstances, this Court directs that the petitioner shall appear at P.S. Govind Puri on 30.07.2020 at 10.30 a.m along with her daughter (victim). The respondent shall ensure that the IO is present on that date and makes such inquiries from the petitioner and her daughter as she considers necessary. This Court is also informed that the IO who was earlier investigating the matter has been transferred and another woman police official of the concerned police station will be appointed as the IO in her

place. Thus the petitioner's grievance regarding the attitude of the earlier IO does not survive.

7. This Court also considers it apposite to direct that the initial investigation be supervised by the concerned ACP, since the petitioner has levelled several allegations of inaction against the police officials.

8. No further orders are required to be passed in this petition. The same is disposed of.

9. Needless to state that if the petitioner has any grievance she is at liberty to approach this Court.

JULY 28, 2020

pkv

VIBHU BAKHRU, J