

Ashok Jamadhar Singh ...Petitioner
Versus
The State of Maharashtra and Anr. ...Respondents

Mr. Shehzad Naqvi i/b Mr. D.V.Saroj for the Respondent No.2.

(Through Video Conferencing)

3. Learned Counsel for the petitioner submits that the petitioner is the father of rescued girl i.e. Harshita who is aged about 25 years. He

submits that the petitioner's daughter is a major and that his daughter wishes to go back to her father i.e. the petitioner who is a resident of Gujarat. Learned Counsel for the petitioner submits that the petitioner's daughter is well qualified, having completed her B.com with a degree in journalism. He further submits that as the petitioner's daughter was working as an actor cum model, when she was allegedly rescued from a hotel. Learned Counsel submits that the petitioner's daughter had gone for an audition when the alleged raid was conducted by the Police in Riga-inn Hotel. He submits that the petitioner's daughter has never indulged in any immoral activities and that on suspicion she was falsely implicated in the said case. He further submits that presently, the petitioner's daughter is in the custody of respondent No.2 i.e. Rescue Foundation Rehabilitation Centre, where she has been detained and that her custody be handed over to the petitioner. According to the learned Counsel the petitioner's daughter is a major and is competent and capable of taking her own decisions.

4. Learned APP has tendered a report dated 12th January, 2022 of the Rescue Foundation Rehabilitation Centre. The xerox copy of the said report is taken on record and marked **X-for identification**. As per the said report of the Rescue Foundation Rehabilitation Centre i.e. respondent No.2, they have no objection to hand over the custody of the victim girl to the

petitioner. It is further stated in the said report, that the petitioner should give all medical treatment as necessary to his daughter.

5. Learned Counsel appearing for the respondent No.2 i.e. Rescue Foundation reiterated the said contents of the report given by them.

6. Perused the papers. A raid was conducted by the Police on 8th June, 2021 in a hotel. In the said raid, three victim ladies including petitioner's daughter, were rescued. All the said ladies are stated to be major. Pursuant to the said raid conducted on 8th June, 2021, an FIR was registered as against one Sweety @ Kavya who came to be arrested. It is the prosecution case that the said accused – Sweety @ Kavya had lured the three victim ladies into prostitution. It appears from the statement of the three victim ladies that they were taken to the said hotel for audition when the police conducted a raid. All the three victims have denied that they were lured by Sweety into prostitution. Pursuant to the registration of the FIR, all victims (including petitioner's daughter) were sent to the Rescue Foundation i.e. respondent No.2.

7. The petitioner's daughter is admittedly aged 25 years and a major. She is well qualified and has been working as a model and has done

some short films. Learned Counsel for the petitioner states that the petitioner's daughter is also running an Advertisement agency. The petitioner's daughter aged 25 years is competent and capable of looking after herself.

8. This Court in the case of *Kajal Mukesh Singh V/s. State of Maharashtra AIR Online 2020 Bom 2489* has observed as under;

“30. In view of this position of law, the victims being major, their fundamental rights to move from one place to another place or to reside at a place of their choice and choose their vocation has to be considered. They cannot be subjected to unnecessary detention contrary to their wish and should be asked to reside in the corrective institution. There is no material on record suggesting that the victims are suffering from any disability or any diseases so that reasonable restrictions can be placed. It is not the case of the Police that setting the victims free would cause some danger to the society. It is nearly one year that the victims have been detained in the corrective home against their wish and, therefore, for the reasons stated herein, they need to be released forthwith.”

9. Having regard to what is stated aforesaid, the impugned order dated 29th June, 2021 passed by the learned Metropolitan Magistrate, 15th Court, Mazgaon, Mumbai in PITA R.A.No. 643/RA/2021 is quashed and set aside. The petitioner's daughter Harshita Ashok Singh, who is detained in Rescue Foundation Rehabilitation Centre be released forthwith.

10. Mr. Naqvi states that the petitioner's daughter will be released forthwith, during the course of the day. Statement accepted.
11. Accordingly, the petition is allowed and disposed of.
12. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.