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

% ***Date of decision: 12.12.2023***

+ **W.P.(CRL) 282/2023 & CRL.M.A.2587/2023**

FARZANA BEGUM

..... Petitioner

Through: Mr.Dinesh Malik, Mr.Retesh Malik &
Ms.Kiffi Aggarwal, Advs. with
petitioner in person.

versus

STATE NCT OF DELHI & ORS.

..... Respondents

Through: Mr.Sanjay Lao, Standing Counsel
(Crl.) with Ms.Priyam Agarwal,
Mr.Abhinav Kr. Arya & Mr.Shivesh
Kaushik, Advs. for State
SI Preeti Insp.Ravi Prakash PS OND.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE SHALINDER KAUR

J U D G M E N T (oral)

1. Present petition has been filed as Habeas Corpus under Article 226 of the Constitution of India seeking directions to the respondents to produce missing minor son of the petitioner.
2. The petitioner is aggrieved by the fact that on 19.08.2022, minor son of the petitioner who is aged 13 years went to Happy Transport at Sanjay Gandhi Transport Nagar and has not returned till date. Petitioner tried to search her minor son but to no avail. Thereafter petitioner went to police station Samaipur Badli for registering complaint of missing of her minor son. It was informed that driver of Happy Transport Sanjay Gandhi TPT



Nagar has taken the petitioner's son in a truck. Though petitioner being an illiterate lady, made a written complaint to SHO, PS Samaipur Badli on 17.09.2022, but police has taken no action on her complaint.

3. Upon her repeated insistence, FIR No.0690/2022 under Section 363 IPC at Police Station Samaipur Badli was registered on 24.09.2022 i.e. about more than one month after the written complaint was made to the SHO concerned. Petitioner has averred that she along with her family members visited the police station but no satisfactory response was given and the police have not made any effort to find out the whereabouts of her minor son till date.

4. Notice issued.

5. Mr.Sanjay Lao, learned Standing Counsel accepts notice on behalf of the State/respondent and has placed before this Court status report wherein it is stated that efforts have been made to trace the missing boy at nearby transport areas of Samaypur Badli and nearby Metro stations and Railway stations near bus stand Kasmiri Gate, near old Delhi Railway Station and Sabji Mandi Railway Station. He further submits that hue and cry notices were published, pasted and distributed at all conspicuous places and information was uploaded on the Zipnet and the same were checked. Wireless message was also flashed to NCRB, SCRB and CBI CGO complex with the details of the missing boy.

6. Learned Standing Counsel has specifically pointed out that polygraph test of two suspects namely, Abhay (Munshi of Transport company) and Transporter Sanjeev @ Happy (owner of Happy Transport company) have been done successfully on 11.10.2023 and both suspects were deemed with notice under Section 41(1) Cr.P.C. Moreover, one another suspect namely



Reghuvendra was also called at FSL Rohini and his polygraph test has also been conducted on 12.10.2023 and driver Raghevendra's role will be decided after polygraph test, as the outcome of the polygraph test is still awaited. One team of AHTU/OND staff comprising HC Sandeep and HC Samit have been sent to Village Rargaon, Distt. Ranchi, Jharkhan for the search of the missing boy and directed to visit in every secluded as well as crowded places and in CWC Ranchi and all nearby police stations in Ranchi Jharkhand, however, despite all these efforts, no clue of the missing boy could be found.

7. The status report is taken on record and we have perused the same.
8. In light of the aforesaid and since all possible efforts to trace the missing boy have been made and the FIR is pending investigation, we hereby dispose of the present writ petition directing the concerned police officials to file a monthly status report before the concerned Metropolitan Magistrate and, if any, clue is found about the minor son of the petitioner, the same shall be communicated to the petitioner.
9. With directions as aforesaid, the petition is disposed of.

(SURESH KUMAR KAIT)
JUDGE

(SHALINDER KAUR)
JUDGE

DECEMBER 12, 2023/ab