



#S-29

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 26.05.2023

W.P.(CRL) 609/2023

RADHA

..... Petitioner

versus

STATE OF NCT OF DELHI & ORS.

.... Respondents

Advocates who appeared in this case:

For the petitioner : Mr. Hitain Bajaj, Advocate.
For the respondents : Mr. Sanjay Lao, Standing Counsel (Criminal) for the State with Ms. Priyam Agarwal & Mr. Abhinav Kumar Arya, Advocates with SI Sandeep Kumar, P.S.: Prem Nagar.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE TALWANT SINGH

J U D G M E N T

SIDDHARTH MRIDUL, J. (OPEN COURT)

1. The present writ petition under Article 226 of the Constitution of India, read with Section 482 of the Code of Criminal Procedure, 1973, has been instituted on behalf of the petitioner, praying as follows:

'It is, therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased:

A) *Issue a writ in the nature of Habeas Corpus directing the police to produce the minor girl Ms. X before this Hon'ble Court.*

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b) Pass such other further order or orders as this Hon'ble Court may deem fit and proper in the facts of the case and in the interest of justice."

2. The status report dated 26.05.2023 authored by Inspector Rajeev Ranjan, Station House Officer (SHO)/ PS: Prem Nagar, Rohini, Delhi has been handed over in Court today. The same is taken on record and we have perused the same.

3. The Delhi Police has facilitated the presence of Ms. 'X', the missing minor daughter of the petitioner, before this Court; from the care and custody of the former's mother Ms. Radha, the petitioner herein.

4. The Child Welfare Committee (CWC) – Outer Rohini & North West Delhi, before whom Ms. 'X'- who is admittedly a minor- was produced, has *vide* order dated 24.05.2023 already restored the care and custody of Ms. 'X' to her biological mother.

5. It is further an admitted position that Ms. 'X''s date of birth has been verified as 25.12.2005. A copy of the 10th Certificate of Ms. 'X', issued by the Central Board of Secondary Education, Delhi, (Date of issue- 11.11.2022); as well as the Aadhar Card clearly and unequivocally reflects her Date of Birth as 25.12.2005.

6. Ms. 'X' was also escorted by the Delhi Police for the recording of her statement under Section 164 of the Code of Criminal Procedure,



1973, before the concerned Metropolitan Magistrate, Rohini Court, New Delhi, which was duly recorded on 23.05.2023, by the latter.

7. In view of the foregoing, learned counsel appearing on behalf of the petitioner states that the relief of *habeas corpus* petition stands satisfied.

8. The writ petition is disposed of accordingly.

9. However, the SHO, P.S.: Prem Nagar, is directed to investigate the circumstances in which Ms. 'X', who is admittedly a minor went missing in relation to FIR No. 30/2023, P.S.: Prem Nagar, under Section 363 of the Indian Penal Code, 1860 and file a status report in this behalf, within six weeks from today, before the Court of competent jurisdiction, in accordance with law.

10. *Dasti*.

11. Copy of the Judgment be uploaded on the website of the Court, *forthwith*.

**SIDDHARTH MRIDUL
(JUDGE)**

**TALWANT SINGH
(JUDGE)**

MAY 26, 2023/mr

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