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

% ***Date of decision: 13.12.2023***

+ **W.P.(CRL) 644/2023**

MRS LAXMI

..... Petitioner

Through: Mr. Sunil Choudhary, Advocate
versus

STATE NCT OF DELHI

..... Respondent

Through: Mr. Sanjay Lao, Standing Counsel
with Mr. Abhimanyu Arya, Mr. Shivesh Kaushik
and Ms. Priyam Aggarwal, Advocates with Insp.
Rajveev K, SI Sunil, PS Adarsh Nagar

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 by the petitioner under Article 226 of the Constitution of India read with Section 482 Cr.P.C. seeking issuance of a writ in the nature of Habeas Corpus to direct the respondents to trace/recover her son 'X'.

2. It is averred in the petition that petitioner's son 'X', aged 15 years, is missing since 17.07.2019 and on the complaint of the petitioner, FIR No.218/2019 under Section 363 IPC was registered at Police Station Adarsh Nagar, Delhi. The petitioner has averred that her child was called by three friends namely, Rahul, Golu and Ramchand on 17.07.2019 at 10:30 am and thereafter, he has not returned home. Petitioner is aggrieved that despite registration of the FIR, her missing son has not been recovered and his whereabouts are still not known. The petitioner is seeking intervention of



this Court for production of her missing son.

3. Learned Standing Counsel for State has handed over status report dated 13.12.2023 before this Court wherein it is stated that the above-named friends of missing boy 'X' are minor and on their examination, they stated that they went to Lal Bagh with the missing boy to purchase notebook. On finding the shop closed, they decided to return to their houses at Fatak No.4, Bada Bagh, Lal Bagh, Azadpur, Delhi through a train around 12:00 noon at Azadpur Railway Station and boarded the train. When the train whistled, three of them deboarded the train, however, missing boy instead of deboarding told them that he would return from the local train coming at 01:30 pm on the same day.

4. Thereafter, on 15.11.2019, the above-named friends of missing boy were re-examined and they stated in their re-examination that the missing boy was holding the handle near entrance gate of train coach and when the train arrived at the Sarai Rohilla Railway Station, the missing boy bumped into a pole and fell down from the train.

5. Furthermore, as per status report, one inquest case vide DD No.4A, dated 22.07.2019 under Section 174 Cr.P.C. at PS-SMRS was reported and the sequence of incident, spot, date and time of incident of the present case and that of inquest proceedings were identical, hence, the DNA sample of unknown deceased and that of petitioner and her husband were sent to FSL Rohini for analysis on 18.04.2023. As per the FSL report, the DNA samples of the unknown body found on track and that of petitioner and her husband are not identical and they are not biological parents of the said body. Thereafter, an application dated 12.09.2023 was forwarded before learned MM, North, Rohini Courts, Delhi seeking permission to conduct the



polygraph test of suspects Harishankar, now aged 19 years and suspect Golu, now aged 17 years was filed, however, both of them denied to give their consent for the same and the said application was dismissed. It is further stated that other than the above two suspects the third suspect namely Rahul, aged 19 years presently, is a drug addict and is lodged in Rohini Jail in theft cases and the application for his polygraph test has been allowed by learned MM for 21.12.2023 after obtaining the consent. Further, a letter has already been sent to senior authorities to declare/enhance a suitable reward for tracing the missing child. Hue & cry notices have also been circulated in the public including bus stands and railway stations. WT Message was flashed to all SSP's/DC'sP all over India.

6. The status report dated 13.12.2023 is taken on record and we have perused the same.

7. 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 quarterly status report before the concerned Metropolitan Magistrate and, if any, clue is found about the missing son of the petitioner, the same shall be communicated to the petitioner.

8. With directions as aforesaid, the petition is disposed of.

(SURESH KUMAR KAIT)
JUDGE

(SHALINDER KAUR)
JUDGE

DECEMBER 13, 2023/rk