

#S-25

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 03.05.2023

W.P.(CRL) 682/2023

RAKSHA DEVI

versus

STATE

Advocates who appeared in this case:

For the Petitioner : Mr. Dhruva Bhagat, Advocate (DHCLSC) along with petitioner in-person.

For the Respondents : Mr. Sanjay Lao, Standing Counsel (Criminal) along with Ms. Priyam Agarwal, Mr. Abhinav Kr. Arya and Mr. Shivesh Kaushik, Advocates for the State with S.I. Yashpal, P.S.: R.K. Puram.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE TALWANT SINGH

JUDGMENT

SIDDHARTH MRIDUL, J. (OPEN COURT)

1. The present writ petition under Article 226 of the Constitution of India, 1950 read with Section 482 of the Code of Criminal Procedure 1973 (Cr.P.C), has been instituted on behalf of the petitioner, praying as follows:-

“A. Issue Writ of Habeas Corpus directing the Respondent to produce the minor girl aged about 16 years before the Hon'ble Court and release her from the illegal detention of the Respondent.

B. To Issue Writ of Mandamus to Respondent as the case may be to take immediate steps/ measures to find the minor child D/o Raksha Devi in compliance of the standing order 252/2019 passed by the worthy the then commissioner of Police and to release her from the illegal detention of any unknown person who had abducted her.

C. Pass any other or further order(s) which this Hon'ble Court deem fit and proper in the facts and circumstances of the present case be allowed in favour of the Petitioner and against the Respondent.”

2. A status report dated 01.05.2023, made by Inspector Arvind Pratap Singh, SHO, P.S.: R.K. Puram, Delhi, has been filed on behalf of the State.
3. A perusal of the said status report reflects that the MLC (bearing No.37099) of Ms. ‘S’ was conducted on 30.04.2023 at the Safdarjung Hospital, New Delhi. Further, the statement of Ms. ‘S’, under Section 164 of the Code of Criminal Procedure, 1973 (Cr.P.C), has been recorded on 01.05.2023, by the concerned Magistrate, Patiala House Courts, New Delhi, following which Ms. ‘S’ was also produced before the concerned Child Welfare Committee, on 01.05.2023, itself.

4. Be that as it may, Ms. 'S', the hitherto missing minor daughter of the petitioner, has been produced before this Court by S.I. Yashpal, P.S.: R.K.Puram, Delhi, from the Sakhi One Stop Centre, Malviya Nagar, Delhi, where she was currently lodged since 30.04.2023, pursuant to the order of the CWC and we have interacted with her.

5. Ms. 'S' has expressed her inclination to return to her maternal home situated at 35A, Block D-11, Jeevan Park, Uttam Nagar, New Delhi. Ms. Raksha Devi, the mother of Ms. 'S'/the petitioner herein, seeks restoration of the care and custody of Ms. 'S', to her.

6. In view of the foregoing, the only course of action that commends itself to us, is to restore the care and custody of Ms. 'S', to her mother, *forthwith*. Ms. 'S' shall no longer be required to be produced before the concerned CWC.

7. Ms. Raksha Devi, who is present before this Court in-person, undertakes that, she will take every step to secure the well-being, safety and welfare of her minor daughter, including but not limited to ensuring that she continues with her education, in accordance with law.

8. The undertaking furnished on behalf of Ms. Raksha Devi, as stated above, is hereby accepted, directing her to comply therewith, without demur.

9. Further, Ms. Raksha Devi is also at liberty to approach the concerned CWC, to seek counselling for her minor daughter, if so advised.
10. In view of the foregoing, the relief of *habeas corpus* prayed for, in the present proceedings, stands satisfied.
11. No further relief is prayed for.
12. The writ petition is allowed and disposed of accordingly.
13. A copy of this order be uploaded on the website of this Court

**SIDDHARTH MRIDUL
(JUDGE)**

**TALWANT SINGH
(JUDGE)**

MAY 03, 2023/rs

[Click here to check corrigendum, if any](#)