

#S-54

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 24.05.2023

W.P.(CRL) 926/2023

SARITA

..... Petitioner

versus

THE STATE & ANR

.... Respondents

Advocates who appeared in this case:

For the petitioner : Mr. Shivek Trehan (DHCLSC), Advocate.
For the respondents : Mr. Sanjay Lao, Standing Counsel (Criminal) for the State with Ms. Priyam Agarwal & Mr. Abhinav Kumar Arya, Advocates with S.I. Ashish Malik, P.S.: South Rohini.

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 has been taken up on urgent mentioning, by Mr. Sanjay Lao, learned Standing Counsel (Criminal) for the State.
2. 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, prayed that this Hon'ble Court may be graciously pleased to:

a. Issue a writ in the nature of Habeas Corpus or any other writ, order or direction as may be deemed appropriate by this Hon'ble Court directing the Respondents to locate and produce the daughter of the Petitioner, namely Ms. V, aged 16 years, resident of D-17/328, Sector-3, Rohini-110085, New Delhi before this Hon'ble Court, and

b. Pass any other or further orders, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case'

3. At the outset, Mr. Shivek Trehan, learned counsel appearing on behalf of the petitioner states, that a charge-sheet has also been filed in the present proceeding, in FIR No. 29/2023, dated 16.01.2023, P.S.: South Rohini, under Sections 363/366/376 of the Indian Penal Code, 1860, and Sections 6/17 of the The Protection of Children from Sexual Offences (POCSO) Act, 2012.

4. The Delhi Police has handed-up a status report dated 23.05.2023, made by SHO, P.S.: South Rohini, along with a copy of the MLC and statement under Section 164 of the Code of Criminal Procedure, 1973, in the Court today. Let the same be taken on record.

5. We are informed at the Bar, that Child Welfare Committee (CWC)- Avantika, has, on 23.05.2023, restored the care and custody of Ms. 'V', to her mother namely, Ms. Sarita, the petitioner *herein*, who is also present before this Court, today.

6. Ms. 'V' was also escorted for her Medico Legal Examination (MLC bearing no. 132), on 21.05.2023, conducted by Dr. Ritu Singh

at Dr. Baba Saheb Ambedkar Hospital, Delhi.

7. A perusal of the said status report reflects that Ms. V's statement under Section 164 of the Code of Criminal Procedure, 1973, has been recorded before the competent Magistrate, Mahila Court, North-West District, Rohini Courts, Delhi, on 22.05.2023, in FIR No. 29/2023, P.S.: South Rohini, under Sections 363/366/376 of the Indian Penal Code, 1860, and Sections 6/17 of the The Protection of Children from Sexual Offences (POCSO) Act, 2012.

8. Ms. 'V', the hitherto missing approximately 17-years old daughter (Date of Birth: 25.08.2006, as mentioned in the Birth Certificate dated 30.08.2006, issued by the GNCTD) of Ms. Sarita, the petitioner *herein*, is present before this Court, along with her mother, the petitioner *herein*.

9. In view of the foregoing, the relief of *habeas corpus* prayed for in the present proceeding stands satisfied.

10. No further relief is prayed for.

11. Accordingly, the present writ petition is allowed and disposed of, with a direction to the SHO, P.S.: South Rohini, to provide adequate security to Ms. 'V' and her immediate family, in case of any threat or apprehension expressed by them *qua* the status of the accused persons in the subject FIR. The Delhi Police is further directed to

furnish to the petitioner (the mother of Ms. 'V') with the cell-phone number of the SHO, South Rohini (Contact No.- 8750870328) as also cell-phone number of the concerned beat constable (Mr. Rakesh, Contact No.- 9278046076) and of the lady constable (S.I. Esha, Contact No.- 7020623047), who may be available to Ms. 'V' and her immediate family, in the case of any eventuality.

12. Directed accordingly.
13. The date already fixed, i.e., 31.05.2023, stands cancelled.
14. *Dasti.*
15. Copy of the Judgment be uploaded on the website of the Court, *forthwith.*

**SIDDHARTH MRIDUL
(JUDGE)**

**TALWANT SINGH
(JUDGE)**

MAY 24, 2023
Aanchal