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

% *Date of decision: November 21, 2023*

+ W.P.(CRL) 1470/2022

SARLA

..... Petitioner

Through: Ms. Rimika Chauhan, Adv.

versus

THE STATE OF NCT OF DELHI AND ANR. Respondents

Through: Mr. Sanjay Lao, SC (Crl.) with Ms. Priyam Agarwal, Adv. with Insp. Mukesh Kumar, ASI Ravinder Kumar and SI Pankaj, PS Ambedkar 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. The present writ petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure ('Cr.P.C'), 1973 has been filed seeking the following prayer:-

“(a). issue a writ of habeas corpus or any order or direction in the nature of habeas corpus thereby directing the respondents to produce the son of the petitioner namely Ramesh, before this Hon’ble Court.”

2. A status report dated 21.11.2023 has been handed over in Court today, same is taken on record. It is submitted in the status report that an FIR No. 598/2023 dated 18.11.2023 at Police Station Ambedkar Nagar for the offences punishable under Section 365 of Indian Penal Code ('IPC'), 1860



regarding 45 year old missing son of the petitioner has been registered. It is further submitted that missing son of the petitioner was an auto driver and on 23.06.2022, he left in his auto riskshaw at about 7:00 pm without informing any other family member and since then he has not come back home. A missing report vide DD No. 13A dated 23.06.2022 was lodged at PS Ambedkar Nagar. It is further submitted that enquiry was made from the complainant Sapna w/o missing person Ramesh and family members and during enquiry it was revealed that on the intervening night of 23/24.06.2022, the missing person parked his auto at Virat Cinema Parking, Dakshinpuri and handed over the key to the security guard Rajender. On 26.06.2022, the security guard was enquired and it was disclosed that on 23/24.06.2022 at about 2 AM the missing person came at the parking and handed over the key's of the auto to him and later on he handed over the same to the auto rickshaw owner Shekhar. On a detailed enquiry from Shekhar he stated that missing person/Ramesh used to bring his auto at 12 PM and he used to hand over the same in early morning. It is also submitted that the CCTV camera of the nearby parking were searched but no clue could be found with regard to missing person. The CDR of mobile number 8929518819 belonging to the missing person Ramesh was obtained and the same was analysed and the frequent callers were enquired about the missing person Ramesh but no clue was found. While investigating the case, it was revealed that last location of Ramesh was found in the jurisdiction of PS Mehrauli and the IO/ASI Rajkumar with his family member searched him in area of PS Mehrauli as per last location of his mobile phone but no clue was found.

3. On 10.07.2022, SI Avdesh Dixit and other staff enquired number of



auto drivers about missing person Ramesh. Two of those auto drivers namely Mr. Waseem and Mr. Manohar revealed that they saw the missing person running an auto at Anand Vihar and Shahpur Jat. In pursuance of the same, the Enquiry officer made search at Anand Vihar Metro Station, Sahpurjat, AIIMS Hospital, Safdarjang Hospital, Sarojini Nagar CNG Pump, Dhaula Kuan, Sarai Kale Khan and possible places and made enquiry, but whereabouts of the missing person was not found.

4. It is submitted that on 10.07.2022, Enquiry Officer also enquired from financier Ashu @ Kuldeep Gupta who stated that he is in business of financing auto drivers and had given petty loan amounts to the missing person Ramesh 3-4 times which the missing person had returned on time. The missing person had taken a loan of Rs. 15,000/- one month before his disappearance on the assurance of his auto owner Shekhar and he was paying his installments on time. On 19.06.2022, Shekhar came to him and enquired as to whether Ramesh is paying his installments or not as Ramesh had not brought his auto back to him. Thereafter Ashu called on the missing person's number on the same day and he talked with his mother and Ramesh himself assured to meet in the evening but he did not meet with them after that conversation.

5. That on 10.07.2022, notice to nodal offices of several traveling agencies, hotels, Indian Railway, food delivery agencies have been served requesting them to provide the delivery address/IP address and other relevant information, if mobile numbers of missing person is found registered at their respective portals. On 08.08.2022, details of missing person with photographs were uploaded and sent to other information with regard to missing person was flashed. Hue and Cry Notice were also pasted



on 25.09.2023 at prominent places to obtain leads regarding the missing and a letter was also sent for publication in Newspapers and Doordarshan.

6. It is further submitted that extensive search of missing person has been made and missing poster at various places at auto stand near Bhajan Pura, Babar Pur Chowk, Sastri Park, (North East Delhi), Najafgarh, Dabri, Subhash Nagar, (South West Delhi) were pasted and enquiry was also conducted from numerous numbers of auto drivers but no clue could be found about the missing person.

7. In view of the above, since abovementioned FIR bearing no. 598/2023 has already been registered at PS Ambedkar Nagar and the investigation is in process, we hereby dispose of the present writ petition while directing the concerned police officials to file quarterly status report before the concerned Metropolitan Magistrate and if any clue is found about the missing person, the same shall be transmitted to the petitioner.

8. In view of the above, the petition is disposed of.

SURESH KUMAR KAIT, J.

SHALINDER KAUR, J.

NOVEMBER 21, 2023
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