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

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Date of decision: December 08, 2023

+ W.P.(CRL) 2066/2023

MITHU LAL

..... Petitioner

Through: Ms. Mridula Sharma, Mr. Mukesh Kumar, Mr. Jeewan Pal Singh, Ms. Saloni Jain and Mr. Manav Narula, Advs.

versus

STATE AND ORS

..... Respondents

Through: Mr. Sanjay Lao, SC(Crl.) with Ms. Priyam Agarwal, Mr. Abhinav Kumar Arya and Mr. Shivesh Kaushik, Advs. for R-1 with Insp. Manohar Lal, PS Ranhola.

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). Allow the present Writ Petition;

(b). Issue a Writ of Habeas Corpus against the respondents and direct the respondent no. 2 and 3 to produce the son of the petitioner namely Sonu before this Hon'ble Court;

(c) Issue any other order (s) or direction (s) or Writ(s) for the sake of protection of the petitioner and his son, prescribed under the law of land, in



the interest of justice.”

2. Mr. Lao, Standing Counsel for Delhi Police has handed over a status report dated 07.12.2023 penned by SHO, Ranhola, the same is taken on record. It is stated in the status report that a missing report of Sonu, age 34 years, who is the son of the petitioner was lodged at PS Ranhola vide DD No. 120B dated 24.04.2023 wherein it was reported that the missing person had left his home on 23.04.2023 at about 10 AM but did not return home. Ms. Lalita, wife of missing person also submitted that they have two children out of wedlock and her husband Sonu had gone somewhere on 23.04.2023 without saying anything at home. Thereafter, efforts were made to trace out the missing person, however, no clue could be found and hence, a case vide FIR No. 588/2023 under Section 365 IPC was registered on 01.07.2023 at PS Ranhola.

3. During the investigation, all necessary formalities such as TPM was flashed, Hue & Cry notice was published and letter were also sent to Doordarshan, SCRB & NCRB. Complainant was examined, who stated that her husband used to visit Mathura & Vrindavan but return after 3-4 days but this time did not turn up. She further stated that her husband does not use any mobile phone. It is further stated that during investigation, father of missing person / petitioner herein was also examined, who alleged that his daughter-in-law / wife of missing person was once found in a objectionable position with a person namely Naveen and he has suspected that the alleged Naveen has abducted his son. Thereafter, alleged Naveen was interrogated, who stated that petitioner is his neighbor and family members of petitioner had physically assaulted him and to this effect, a FIR No. 720/2019 u/s



323/341 IPC against family members of petitioner was lodged. During the investigation, CDRs of wife of missing person and alleged Naveen was analyzed, however, no clue of the missing person could be found.

4. It is further stated that on 22.04.2023, wife of missing person was examined, who stated that she along with her husband and children and other family members had returned from Himachal Pradesh and her husband informed her that he had to go to Mathura but he did not tell her when he will be going and where. She further alleged that family of petitioner called her many times and threatened to abduct her husband. Thereafter, sincere efforts were made to trace the missing person at Mathura and Vrindavan and hue and cry notices were also published over various places, however, till date, no clue of the missing person could be found.

5. In view of the above, since abovementioned FIR bearing no. 588/2023 under Section 365 IPC has already been registered at PS Ranhola 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.

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

SURESH KUMAR KAIT, J.

SHALINDER KAUR, J.

DECEMBER 08, 2023

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