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

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Date of decision: December 14, 2023

+ W.P.(CRL) 2189/2023
SHAMSHIDA KHATOON

..... Petitioner

Through: Mr. Harsh Prabhakar, Advocate
(DHCLSC) along with Mr. Dhruv
Chaudhary and Mr. Adeeb Abmad,
Advocates with petitioner in person.

versus

STATE NCT OF DELHI

..... Respondent

Through: Ms. Priyam Aggarwal, Advocate for
Mr. Sanjay Lao, Standing Counsel
(Crl) for State with Insp. Anil Kumar
and ASI Om Prakash P.S. Shakarpur.

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 habeas corpus petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C has been filed seeking the following relief:-

“ a) Issue a Writ of Habeas Corpus and consequently, direct that the missing daughter of the Petitioner, namely, Ms. Aamna, be traced and produced before this Court.

b) Direct the transfer of investigation to any specialized investigative unit such as the AHTU, if deemed necessary.”

2. It is informed by Ms. Priyam Aggarwal, learned counsel appearing on behalf of Mr. Sanjay Lao, learned Standing Counsel for the State that a



status report dated 13.12.2023 penned by SHO P.S. Shakarpur is filed on record wherein it is stated that a missing report was lodged at PS Shakarpur dated 11.12.2022 in respect of the daughter of the Petitioner herein namely Ms. 'A' aged 19 years and the same culminated into FIR no. 0044/2023 u/s 365 IPC dated 13.01.2023 upon the written complaint of the husband of the Petitioner herein. It had also been reported that the missing girl is not mentally sound.

3. It is stated that due efforts were diligently made to trace 'A', after missing report in her respect was lodged at PS Shakarpur. The efforts to trace the daughter of the Petitioner were intensified after registration of FIR no. 0044/2023 u/s 365 IPC dated 13.01.2023. Investigation from the point of view of abduction was also done but no clues could be gathered in respect of abduction of the missing girl and her secret and wrongful confinement. All the SoPs warranted to be followed in cases of missing persons were duly followed to trace the daughter of the Petitioner viz.

1. A Missing Report was lodged in the Daily Diary at once, clearly indicating the date and time of incident.
2. The report contained all the details of the missing person such as name, parentage, age, height, complexion, sex, clothes worn, and any special mark of identification.
3. The photograph of the missing person and the contact number of the complainant/relative was obtained and placed in the file.
4. Missing Persons Identification Form was filled and sent to DMPU and MPS.
5. Case was assigned to an experienced officer of the rank of an ASI.



6. The Police Control Room, SCRB, NCRB and ZIPNET were informed immediately.
7. Wavelet Transform (WT) Message was flashed on all-India level with the detailed description of the missing person.
8. Hue and Cry notice were duly prepared and issued.
9. The IO immediately begin enquiries from persons present at the scene or last seen, collect details of possible suspects, and questioned them without loss of time but nothing concrete could be found.
10. Cell phone details of the missing person 'A' could not be obtained for further investigation as she was not using any mobile phone at the time she went missing.
11. Photographs of the missing person were given wide publicity at all prominent outlets of the city.
12. Inquiries in the neighbourhood, the place of work of the missing girl did not reveal any material point.
13. The missing girl did not use to go to school/ college and hence no inquiry could be done from the missing person's most recent school/educational institution.
14. The employer of the missing girl could not provide any leads so as to enable the IO to trace the missing girl.
15. All necessary publicity was given in newspaper.
16. The parents/family members/friends and relatives were examined to find out the probable cause of disappearance of the person but no leads could be gathered.
17. Surveillance/security cameras (CCTV) in the vicinity of the area where the person was last seen were also scanned but no lead could



be gathered from the scrutiny thereof.

18. Enquiries were made from the neighbouring police stations about any unidentified dead body found, or information about missing persons admitted in the hospitals but no leads could be found.

19. Enquiries were also made from the hospitals about unidentified injured persons admitted in hospitals but no leads could be found.

20. Poorhouses, children's homes, rain baseras, Nari Niketans, mortuaries in hospitals, NGO records, etc. were also checked to trace the missing person but the missing person could not be traced.

21. The IO also in constant touch with the complainant to update him on the efforts made, ascertain further clues, if any, and also to find out if the missing person has since returned on his/her own.

22. The local police is continuing the search and the same shall continue till the missing person is located.

4. It is stated that polygraph test was conducted upon (1) Geeta Khetarpal and (2) Sanjay Khetarpal on 02.11.2023 and as per the Polygraph Examination Report dated 05.12.2023 the said two persons were found to reveal truthful responses to the posed questions. Thus, no lead could be found after polygraph test of the employers of the missing girl 'A' and they were found to be unaware about the whereabouts or the series of events which led 'A' to go missing. The Zip Net is being regularly checked in respect of unknown traced girl or dead body. The mortuary, hospital, poorhouses, 'Nari Niketan', 'Rain Baseras' and IBHAS have been checked once again but no clue has been found till date. The father of the victim 'A' has been contacted several times but he neither joined the investigation nor



is co-operating in the investigation.

5. The IO and SHO/ PS Shakarpur, Delhi have strived diligently to trace the missing girl and despite sincere efforts, the daughter of the Petitioner herein could not be traced.

6. In view of the above, since abovementioned FIR bearing no. 0044/2023 under Section 365 IPC has already been registered at PS Shakarpur 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 under the signature of concerned DCP before the concerned Metropolitan Magistrate and if any clue is found about the missing person, the same shall be transmitted to the petitioner.

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

SURESH KUMAR KAIT, J

SHALINDER KAUR, J

DECEMBER 14, 2023

SDS