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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) 2546/2023
SANJU DEVI

..... Petitioner

Through: Mr. Abhinav Bajaj (DHCLSC), Mr.
Saksham Ojha and Ms. Geetashi
Chandna, Advs.

versus

STATE OF NCT OF DELHI & ANR.

..... Respondent

Through: Mr. Sanjay Lao, Standing Counsel
(Criminal) with Ms. Priyam Agarwal,
Mr. Abhinav Kumar Arya and Mr.
Shivesh Kaushik, Advs. with
Inspector Manoj Kumar Mishra, PS
AHTU Crime Branch.

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 against the Respondents, to trace the missing minor son, namely, Mr. P and restore the custody of Mr. P to his lawful guardian/mother; and

(b) pass any other appropriate writ, order(s) or direction(s) in the circumstances of this case as this Hon'ble Court deems fit and proper in favour of the Petitioner.”



2. Mr. Sanjay Lao, Standing Counsel (Criminal) for Delhi Police has handed over a status report dated 30.10.2023 penned by Inspector Manoj Kumar Mishra, PS AHTU, Crime Branch, the same is taken on record. It is stated in the status report that a PCR call vide DD No. 142-A was received at PS Narela and investigation was marked to ASI Krishan Kumar. Thereafter, statement of complainant was recorded, who stated that his 02 years old son namely 'P' was missing since 13.08.2023. In the meantime, complainant moved a petition before this Court and investigation of the present case was marked to AHTU with the directions that a SIT is to be formed under the supervision of DCP Crime. It is further submitted that on 17.10.2023, father of the missing child 'P' was examined at length, who neither disclosed any enmity or tussle with anybody nor disclosed any suspicion on anyone. He was also shown the CCTV footage, however, no clue could be found. Fresh search of the missing child was carried out door to door in the local vicinity and enquiries were made by showing the photograph of the missing child. Hue and cry notices were also pasted. Searches were also made in Gurudwaras, Temples, bus stands, railways stations, hospitals, adoption agencies, shelter homes and NGOs at different places in Delhi. Secret informers were also deployed in the area of Narela, however, no clue could be found till date.

3. In view of the above, since FIR bearing no. 0583/2023 under Section 363 IPC has already been registered at PS Narela and the investigation is in process, we hereby dispose of the present writ petition while directing the concerned police officials to file monthly status report before the concerned Metropolitan Magistrate and if any clue is found about the missing child, the



2023:DHC:9093-DB



same shall be transmitted to the petitioner.

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

SURESH KUMAR KAIT, J.

SHALINDER KAUR, J.

DECEMBER 08, 2023/ss