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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) 2692/2023
HAMIDA KHATOON

..... Petitioner

Through: Ms. Sumayya Khatoon and Mr. Paul
Kumar, Advocates.

versus

GNCTD ORS

..... Respondents

Through: Ms. Priyam Aggarwal, Advocate for
Mr. Sanjay Lao, Standing Counsel
(Crl) with Insp. Vikas Pannu and SI
Pankaj Kumar, P.S. Hazrat
Nizamuddin.

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) May be pleased to issue a writ of Habeas Corpus directing Respondent No.3 and 2 to immediately rescue and produce Mr. Mohd Chand before this Hon’ble Court.
- b) Direct Respondent No.3 and 2 to expeditiously trace the Mohd Chand and produce him before this Hon’ble Court;
- c) For compensation to the victim’s family members for the mental trauma faced by them caused by the officers.”

2. It is informed by Ms. Priyam Aggarwal, learned counsel appearing on



behalf of Mr. Sanjay Lao, learned Standing Counsel for respondents that a status report dated 14.12.2023 penned by SHO P.S. Hazrat Nizamuddin is filed on record wherein it is stated that the petitioner who is a permanent resident of District Begusarai, Bihar came to Delhi along with her mentally challenged son Mohd. Chand aged 22 years, for his treatment at Nizamuddin Dargah, Delhi. On 10.10.2022 at around 2:00 P.M, the petitioner and her son (Mohd. Chand) visited Nizamuddin Dargah. During their visit at Dargah, the petitioner was holding the hand of her son Mohd. Chand but in between she left the hand of her son in the crowded area and her son went missing in the crowd of visitors. The petitioner searched for her missing son but could not find him. Thereafter petitioner approached Police Station Hazrat Nizamuddin and on the basis of her information, missing report of Mohd. Chand was registered vide DD No. 74-A dated 11.10.2022 and the same was marked to SI Ravi Prakash for further necessary action. Thereafter WT message was flashed to all SSP's in India and to all SHO's in Delhi to search the missing person. A letter was also sent to CBI and NCRB on their mail ID's. Hue and Cry notice was also prepared and sent to CRO. There after a request for publication of photo of missing person Mohd. Chand on Doordarshan was also sent.

3. It is further submitted that a request for declaration of reward for the person who informs anything about missing person Mohd. Chand has also been initiated and sent to concerned branch. Photograph of missing person Mohd. Chand has also been published in two leading newspapers. During further enquiry, record of all the UIDBs from 10.10.2022 to 15.10.2023 uploaded on ZIPNET have also been checked but none of the dead body resembles the features of the missing person Mohd. Chand. The missing



person Mohd. Chand is mentally challenged and do not possesses any mobile phone or any other electronic device that can be traced. Hue & Cry notice has also been pasted in and around the area of Basti Hazrat Nizamuddin including outside Nizamuddin Dargah and Markaj. The local shopkeepers of Dargah Hazrat Nizamuddin were interrogated in respect of missing of Mohd. Chand but no clue found from there.

4. Ld. counsel submitted that fresh efforts have again been made to trace the missing person Mohd. Chand but no clue has been found so far.

5. In view of the above, since all possible efforts have been made to trace out the missing person 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 14, 2023

SDS