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

% ***Date of decision: 03.11.2023***

+ **W.P.(CRL) 3141/2023**

SAPNA

..... Petitioner

Through: **Mr.Akshay Raj & Mr.Hunny Sharma,**
Advs.

versus

STATE OF GNCT DELHI & ORS. & ORS. Respondents

Through: **Mr.Sanjay Lao, Standing Counsel**
(Crl.) with Mr.Abhinav Arya &
Mr.Priyam Aggarwal, Advs.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE SHALINDER KAUR

J U D G M E N T (oral)

Crl.M.A.29159/2023 (exemption)

1. Allowed, subject to all just exceptions.
2. The application is accordingly disposed of.

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3. Present petition has been filed by the petitioner/mother of the victim Ms. 'A' seeking directions to the respondents to produce her minor daughter before this Court.
4. Learned counsel appearing for the petitioner has averred that her daughter was friendly to one Suraj who was living in their neighborhood



who allured her into love and affection and made physical relations with her. He also made illicit videos making them viral on Instagram repeatedly. She further averred that her daughter who is a minor, could not understand the gravity of his actions. On petitioner's complaint, FIR No.768/2023 was registered on 20.09.2023 for the offences punishable under Section 463 IPC at police station Bharat Nagar against the respondents. Petitioner submits that she has not spoken to her daughter after 08.10.2023 and despite her requesting the police to help her come in contact with her daughter, she has been informed that her daughter is safe and enjoying family life with her husband. She also submits that her daughter being a minor has been raped multiple times by the accused and therefore, she is approaching this Court to save her daughter from the clutches of respondent No. 3/accused.

5. On the last date of hearing, respondent No. 1/State was directed to file a status report.

6. Today, learned Standing Counsel appearing on behalf of the Respondent No. 2/Delhi Police submits that accused is in judicial custody and the missing girl has been recovered and her statement under Section 164 Cr.P.C. has been recorded. Learned Standing Counsel informs this Court that the the victim/girl is pregnant by six weeks.

7. The victim girl is present in Court and we have interacted with her. She admits that she is six weeks' pregnant and has shown her willingness to go with her parents who are also present in Court today.

8. At this stage, the parents of the victim girl submit that this is not the first time that their minor daughter has been allured or is carrying pregnancy and this time, they do not wish to take her to their house.

9. Since the victim girl has already been recovered by the respondent



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No. 1/State, hence, the prayer made in the present writ petition stands satisfied. However, since the petitioner has refused to take the custody of her minor girl who is six weeks' pregnant, in the interest of justice, this Court directs W/SI Sonia who is present from police station Bharat Nagar, to bring the minor girl to Nirmal Chaya, Jail Road, Tihar, New Delhi.

10. With the aforesaid observations, present petition is disposed of.

(SURESH KUMAR KAIT)

JUDGE

(SHALINDER KAUR)

JUDGE

NOVEMBER 03, 2023/ab