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

% ***Date of decision: 06.11.2023***

+ **W.P.(CRL) 3246/2023 & CRL.M.A.30154/2023**

RAHUL

..... Petitioner

Through: Ms. Rajdipa Behura, Mr. Philomon Kani, Mr. Ashray Behura, Ms. Neha Dobriyal, Ms. Simrat Kaur Saree, Ms. Aishwarya Gupta, Ms. Nandini Sharma and Ms. Hansika Sahu, Advocates with petitioner in person

versus

STATE (NCT OF DELHI) & ORS.

.... Respondents

Through: Mr. Sanjay Lao, Standing Counsel (Crl.) with Mr. Priyam Agarwal, Mr. Abhinav Krumar Arya and Mr. Shivesh Kaushik, Advocates with SHO/Insp. Suresh Chand, SI Indrajeet and SI Rajpal, PS Khyala in person

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 has been preferred by the petitioner seeking issuance of a Writ in the nature of Habeas Corpus directing the respondents herein to produce his missing younger sister who is under the illegal custody of one Mr. Suraj.

2. The brief facts arising out of the present petition are that his younger



sister, i.e. the missing girl, was born on 01.08.2005 which is evident from the copy of Adhar Card annexed with present petition. It is averred that in the present petition that when the missing girl was studying in 11th standard, the petitioner came to know about her relationship with one boy namely Suraj while she was talking to the Suraj using her father's mobile.

3. It is further averred that the petitioner advised his sister to stay away from Suraj as she was very young and should concentrate on her studies. After his sister completed 12th standard, she joined a beauty parlour located at Ramesh Nagar and started taking training to become a beautician. On 25.07.2023, the petitioner again came across about the fact that his younger sister was again talking to Suraj using her father's mobile. Petitioner again advised her to stay away from Suraj and focus on her career.

4. It has been further averred that on 30.07.2023, when the petitioner had left for his work and after reaching his workplace, he got a call from his mother, who informed that his sister had gone to the washroom and had not returned for a long time and when mother of the petitioner checked the washroom, she did not find petitioner's sister. Thereafter, the petitioner reached home and started searching for his younger sister at the places nearby. He also made enquiries from his neighbours and relatives but on receiving no information, he went to the police booth and filed a complaint. On receipt of the complaint, an FIR No.378/2023 dated 30.07.2023 for the offence punishable under Section 363 IPC was registered at PS Khyala, West (Delhi). In the complaint, the age of missing girl, i.e. petitioner's sister, is stated to be 17 years 11 months.

5. Learned Standing Counsel for State has produced a status report before this Court which is taken on record. Learned Standing Counsel



submits that during investigation, a hand written letter was received in Police Station via speed post from missing girl without mentioning her address therein.

6. Learned Standing Counsel further submits that the missing girl has stated in the said letter that her date of birth mentioned in Adhar Card is 01.08.2005 is incorrect and her correct date of birth is 01.08.2004. She further stated that she had married to one Suraj son of Mr. Prem Shankar resident of N-336, Ground Floor, Raghubir Nagar, Tagore Garden, West Delhi, Delhi-110027, aged around 26 years with her free will and without any pressure. To this effect, the missing girl has also annexed Certificate of Registration of Marriage dated 22.09.2023 which is verified by the authorities.

7. In view of above, no further order is required to be passed. However, the respondent-State is directed that as and when they are able to trace out the missing girl, the same shall be communicated to the petitioner herein.

8. Accordingly, the present petition is disposed of.

9. Pending application also stands disposed of.

(SURESH KUMAR KAIT)
JUDGE

(SHALINDER KAUR)
JUDGE

NOVEMBER 06, 2023/rk