



2023:DHC:8132-DB



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

% ***Date of decision: 08.11.2023***

+ **W.P.(CRL) 3290/2023**

NEELAM

..... Petitioner

Through: **Mr.Dinesh Malik, Adv. (DHCLSC)**
with Mr.Puneet Jain, Adv.

versus

STATE GOVT NCT OF DELHI & ORS.

..... Respondents

Through: **Mr.Sanjay Lao, Standing Counsel**
(Crl.) with Mr.Priyam Agarwal &
Mr.Abhinav Kr. Arya, Advs. for State
Insp.Rajpal ASI Sanjay PS
Wazirabad.

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. 30617/2023(exemption)

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

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3. The petitioner is aggrieved by the fact that on 25.09.2023, the minor daughter of the petitioner, aged 14 years, left her home to attend tuitions but did not return. Consequent to this, FIR No.928/2023 under Section 363 IPC at Police Station Wazirabad was registered on 26.09.2023, i.e. on the next



day of the incident. The petitioner apprehends that her daughter has been enticed and kidnapped by one Rahul who is resident of the same locality and is also missing ever since. The petitioner states that she and her family members have visited the police station, Wazirabad a number of times but it was to no avail. Further states that the police have not made efforts to find the whereabouts of the daughter of the petitioner.

4. Present petition has been filed as Habeas Corpus seeking directions to the respondents to produce Ms. 'N', minor daughter of the petitioner.

5. Notice issued.

6. Mr.Sanjay Lao, learned Standing Counsel accepts notice on behalf of the State/respondents and has produced status report dated 08.11.2023 whereby it is stated that the house of the suspect was visited where his wife namely Tanisha was present and upon enquiring her about the suspect, she said that he has been missing from the past 2-3 days. As a part of investigation, many steps were taken such as flashing wireless transmission messages all over India, sharing information about the FIR with different agencies such as National Crime Record Bureau, State Crime Record Bureau, concerned unit of CBI etc., news published in daily newspapers. On 05.10.2023 and 28.10.2023, staff of Missing Person Squad raided the address given by petitioner's brother in Gujarat, i.e. Kartar Ganj, GIDC, Surat Gujarat and Amlori, Surat Gujarat in search of suspect and the missing girl, however, they could not be found.

7. Mr.Sanjay Lao further states that till date, the status of the missing girl and the suspect is the same. Investigation in the case is still going on and best efforts are being made. In pursuance of the same, further time is sought to trace the minor girl and the suspect.



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8. The status report dated 08.11.2023 is taken on record and we have perused the same.
9. In light of the aforesaid and since all possible efforts to trace the missing girl have been made and the FIR is pending investigation, we hereby dispose of the present writ petition while directing the concerned police officials to file a quarterly status report before the concerned Metropolitan Magistrate and, if any, clue is found about the minor girl, the same shall be transmitted to the petitioner.
10. In view of the above, the petition is disposed of.

(SURESH KUMAR KAIT)
JUDGE

(SHALINDER KAUR)
JUDGE

NOVEMBER 08, 2023/ab