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

% ***Date of decision: 17.11.2023***

+ **W.P.(CRL) 3378/2023**

KUNDAN TIWARI

..... Petitioner

Through: **Mr.Dhruva Bhagat, Adv. (DHCLSC)**

versus

STATE

..... Respondent

Through: **Mr.Sanjay Lao, Standing Counsel (Crl.) with Ms.Priyam Agarwal, Mr.Abhinav Kr. Arya & Mr.Shivesh Kaushik, Advs. for State. SI Satyapal Singh Insp. Heera Lal PS Nihal Vihar.**

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.31382/2023 (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 as Habeas Corpus under Article 226 of the Constitution of India seeking directions to the respondent to produce missing minor sister of the petitioner.
4. The petitioner is aggrieved by the fact that on 10.09.2023 at around



4:00 pm, petitioner's minor sister, aged 16 years, went missing from home and did not come back. Petitioner tried to search her minor sister from evening till next day afternoon but to no avail.

5. Upon his compliant, FIR No.1205/2023 under Section 363 IPC at Police Station Nihal Vihar was registered on 11.09.2023, i.e. one day after the incident. Petitioner has averred that he along with his family members visited the police station but no satisfactory response was given and the police have not made any effort to find out the whereabouts of his minor sister till date.

6. Notice issued.

7. Mr.Sanjay Lao, learned Standing Counsel accepts notice on behalf of the State/respondent and has palced before this Court status report dated 16.11.2023 wherein it is stated that the wireless message was flashed to all the DC'sP and SHO's with the details of the missing girl. Letter was sent to Doordarshan, missing person squad, NCRB/SCRB & CBI for search of the missing girl. He further submits that during further inquiry, call details of mobile number (8950603299) of suspected person Vineet was obtained but the above said mobile number was found switched off after 13.09.2023 and during enquiry, the IMEI No.350996955430390 of abovesaid mobile was put on surveillance but the same was also not found working. Furthermore, raid was also conducted at the suspected address of the alleged Vineet at Village-Nipal Garh Colony near Durga Mandir, Ward No.7, Kishan Ganj, Bihar, however, despite all these efforts, no clue of the girl or the suspected person Vineet could be found.

8. The status report dated 16.11.2023 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 directing the concerned police officials to file a monthly status report before the concerned Metropolitan Magistrate and, if any, clue is found about the minor sister of the petitioner, the same shall be communicated to the petitioner.

10. With directions as aforesaid, the petition is disposed of.

(SURESH KUMAR KAIT)
JUDGE

(SHALINDER KAUR)
JUDGE

NOVEMBER 17, 2023/ab