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

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Date of decision: December 04, 2023

+ W.P.(CRL) 3449/2023

FARIYAAZ KHAN ALIAS MONU

..... Petitioner

Through: Mr. Shashank Jain, Adv.

versus

STATE OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Criminal) with Ms. Priyam Agarwal,
Mr. Shivesh Kaushik and Mr.
Abhinav Kumar Arya, Advs. with
Inspector C. P. Singh, PS Geeta
Colony and Inspector Parveen Kumar,
PS Gandhi Nagar.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE SHALINDER KAUR

JUDGMENT (oral)

1. The present writ petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure ('Cr.P.C'), 1973 has been filed seeking the following prayer:-

“(a). issue a writ of Habeas Corpus or any other appropriate writ (s), order (s), and direction (s) thereby directing the Respondents to produce THE BODIES OF Mrs. Ishika Yadav Aged around 22 Years before this Hon’ble court either dead or alive so that the custody of them may be granted to the Petitioner.”

2. Mr. Lao, Standing Counsel for the GNCTD has handed over a status report dated 04.12.2023 penned by Mr. Satyawar, SHO Geeta Colony, the same is taken on record. It is stated in the status report that as per the record



of PS Geeta Colony Delhi, there is no complaint lodged by the petitioner in the said Police Station. The petitioner has only mentioned the address of respondent nos. 6 to 10 in his petition as House No. 28, Gali No. 3, Sarojini Naidu Park, Shastri Nagar, Gandhi Nagar, Delhi 110031.

3. During enquiry beat staff visited at the given address where only tenant namely Sapna W/o Anand was present who stated that she was living at the said address on rent. The land lord of the said house is stated to be one Ankit. Respondent Nos. 6 to 10 were not found at the given address. During further enquiry from neighbours, it was disclosed that the owner of the said house was one Ajab Singh Yadav and after his death, his son Ankit Yadav is looking after the said house. Ms. 'I' is the daughter of Satish Yadav (younger brother of Ajab Singh Yadav) W/o Fariyaaz Khan alias Monu but she never resided at House No. 28, Gali No. 3, Sarojini Naidu Park, Shastri Nagar, Gandhi Nagar, Delhi 110031. Respondent nos. 6 to 10 are living in District Etah, U.P.

4. Learned Standing Counsel has informed this Court that the parents of missing girl lodged an FIR which is registered as FIR No. 95/2023 at PS Ankur Vihar and the U.P. Police came to Faridabad, rescued the girl and produced her before the Court at Ghaziabad.

5. Learned counsel appearing on behalf of the petitioner submits that Ms. 'I' had made a statement before the Court of Magistrate at Ghaziabad that she is an adult and had married to one Fariyaaz Khan @ Monu.

6. Since the missing girl is an adult and she is already married and she was alleged to be taken away from the custody of the Ankur Vihar Police Station in Ghaziabad, this Court has no jurisdiction to entertain the present petition. The petition is dismissed on the ground of territorial jurisdiction,



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however, liberty is granted to the petitioner to approach the concerned Court in accordance with law.

SURESH KUMAR KAIT, J.

SHALINDER KAUR, J.

DECEMBER 04, 2023
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