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

% ***Date of decision: December 22, 2023***

+ **W.P.(CRL) 3814/2023**

ADITYA PATHAKA @ GOLU PATHAKA Petitioner

Through: **Mr. Sohan Goyal, Adv.**

versus

THE STATE GOVT OF NCT OF DELHI AND ORS

..... Respondent

Through: **Mr. Sanjay Lao, Standing Counsel (Crl) with Ms. Priyam Agarwal and Mr. Shivesh Kaushik, Advocates with Inspector Ashutosh, PS Aman Vihar and SI Kamal Chaudhary, PS Prem Nagar.**

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. 35458/2023 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The present writ petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C has been preferred by the petitioner seeking the following prayer:-



“(a) Issue a writ of Habeas Corpus directing the respondent no. 2 to immediately produce the mother of the petitioner, namely Mrs. Gayatri Pathak before this Honble Court;
(b) Issue appropriate writ or order directing the respondent no. 3 and 4 to give adequate protection to the mother of the petitioner and ensure her safe production before this Honble Court by the respondent no. 3&4;
(c) The Hon’ble High Court may be further pleased to direct the respondent No.3 & 4 to take appropriate action against respondents No. 2 for their illegal act;

4. Learned Standing Counsel appearing on behalf of the Delhi Police has filed status report duly forwarded by SHO, PS Prem Nagar, same be taken on record. It has been stated that on 16.10.2023, a complaint from petitioner was received to the effect that on 07.10.2023, his mother Gayatri Pathak went to take medicine to Mohalla Clinic with his uncle Deepak, however, did not return home. When the petitioner made enquiries from family members of his uncle Deepak, they stated that Gayatri Pathak had gone to Mathura along with Deepak. Thereafter, missing report of Deepak was also lodged by his family members at PS Prem Nagar. It is further submitted that W/T messages were flashed, information was uploaded on ZIP Net, missing report was sent for publication in leading newspapers, local enquiry was made regarding the victim and call details records were obtained for search of missing woman, however, no clue could be found. Hue and cry notices were pasted on various prominent places and family members of alleged Deepak were also interrogated and sincere efforts were made but no clue could be found.

5. Accordingly, we hereby dispose of the present writ petition directing the SHO, PS Prem Nagar to register an FIR in accordance with law against suspect Deepak and a monthly status report be filed before the concerned Metropolitan Magistrate. It is further directed that as and when any clue of



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the missing person is found, the same shall be communicated to the petitioner.

SURESH KUMAR KAIT, J.

SHALINDER KAUR, J.

DECEMBER 22, 2023/ss