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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: 07.02.2024***+ **W.P.(CRL) 118/2024****SUNITA DEVI**

..... Petitioner

Through: Mr.Pankaj Sinha, Mr.Manish Kumar,
Advs. with petitioner in person.

versus

COMMISSIONER OF POLICE & ORS.

..... Respondents

Through: Mr.Sanjay Lao, Standing Counsel
(Crl.) with Ms.Priyam Agarwal,
Mr.Abhinav Kr. Arya & Mr.Shivesh
Kaushik, Advs. for State.
Insp.Sudhir Kumar PS Ashok Vihar
with SI Monica and the alleged
missing girl.**CORAM:****HON'BLE MR. JUSTICE SURESH KUMAR KAIT****HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. Present petition has been filed as Habeas Corpus under Article 226 of the Constitution of India read with Section 482 Cr.P.C. seeking directions to the respondents to produce missing minor daughter of the petitioner.
2. The petitioner is aggrieved by the fact that on 03.11.2023, her minor daughter, aged 15 years, did not return back home after she left for using the public toilet in their locality. Petitioner tried to search for her minor daughter but it was to no avail.



3. Learned counsel for the petitioner submits that prior to the incident, one person, namely, Rahul aged about 21 years old, who is residing at Azad Pur Masjid Wali Gali across the road where the petitioner is residing, was trying to contact the missing girl. Moreover, prior to the day of incident, petitioner received a threat call of facing dire consequences by one of the friends of abovesaid Rahul saying that her daughter would be kidnapped or taken far away and would be released only after getting pregnant. Therefore, petitioner apprehends that the abovesaid Rahul kidnapped her daughter.
4. Upon petitioner's complaint, FIR No.473/2023 under Section 363 IPC at Police Station Ashok Vihar was registered on 03.11.2023 i.e. on the day of incident at 11:20 pm. Petitioner has averred that she visited the police station many times but no satisfactory response was given to her and the police have not made any effort to find out the whereabouts of her missing minor daughter till date.
5. Notice issued.
6. Mr.Sanjay Lao, learned Standing Counsel accepts notice on behalf of the State/respondent and has also produced the missing girl pursuant to order dated 11.01.2024.
7. The missing girl, who is a minor aged 15 years old is present in Court and submits that she is willing to go with her mother i.e. the petitioner herein, who is also present in Court and her mother is also willing to take the custody of her said daughter.
8. Learned Standing Counsel submits that the daughter of the petitioner is more than 3 months pregnant and her statement under Section 164 Cr.P.C. is yet to be recorded.
9. IO concerned is directed to get statement of the petitioner's daughter



recorded under Section 164 Cr.P.C and thereafter her custody be handed over to the petitioner.

10. State is also directed to produce the daughter of the petitioner before CWC today itself for counseling and for further directions, keeping in mind the fact that she is pregnant.

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

12. Copy of this order be given dasti under signatures of the Court Master.

(SURESH KUMAR KAIT)
JUDGE

(MANOJ JAIN)
JUDGE

FEBRUARY 07, 2024/ab