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

% ***Date of decision: 23.01.2024***

+ **W.P.(CRL) 225/2024**

SMT. RAJVATI

..... Petitioner

Through: Mr.Shubham Prajapati, Mr.Rakesh
Kumar Mandal, Mr.Phillip Massey,
Mr.Mukesh Ranjan, Mr.Manish
Sharma, Mr.Diwakar Chaurasia &
Mr.Sanjay Rana, Advs.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr.Sanjay Lao, Standing Counsel
(Crl) with Ms.Priyam Agarwal &
Mr.Abhinav Kr. Arya, Advs.
Insp.Deepak PS Kalindi Kunj.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

Crl.M.A.2074/2024 (exemption)

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

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3. Present petition has been filed as Habeas Corpus under Article 226 of the Constitution of India under Section 482 Cr.P.C. seeking directions to the respondent to produce missing minor daughter of the petitioner.

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4. The petitioner is aggrieved by the fact that on 27.12.2023, petitioner's minor daughter, aged 14 years, went missing from home and did not return back. Accordingly, a complaint towards the same was lodged at police station Kalindi Kunj which culminated into FIR No.752/2023 for the offence punishable under Section 363 IPC. Subsequently, the minor daughter of the petitioner was rescued by the police officials of police station Kalindi Kunj and on 31.12.2023, she was produced before the Child Welfare Committee for counseling and was handed over to the petitioner on 01.01.2024.

5. Learned counsel further submits that on 10.01.2024 at around 5:00 pm, minor daughter of the petitioner again went missing from home. Accordingly, a complaint vide DD No.77 dated 12.01.2024, i.e. after two days of the incident, was lodged, however, no satisfactory response was given and the police has not made any effort to find out the whereabouts of her minor daughter till date.

6. Notice issued.

7. Mr.Sanjay Lao, learned Standing Counsel accepts notice on behalf of the State/respondent and has placed status report dated 23.01.2024 before this Court, wherein it is stated that upon the complaint dated 12.01.2024, FIR No.26/2024 was registered at the police station Kalindi Kunj for the offence punishable under Section 363 IPC.

8. Learned Standing Counsel for the State has pointed out that earlier on 30.12.2023, upon the complaint of petitioner, FIR No.752/2023 was registered at police station Kalindi Kunj for the offence punishable under Section 363 IPC, however, on 31.12.2023, the said girl was rescued by the staff of police station Kalindi Kunj and further counseling was also done.

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On 01.01.2024, she was produced before the Court and statement under Section 164 Cr.P.C. was recorded wherein she did not accuse anyone. On same day, she was produced before the CWC, Kalkaji wherein after counseling, her custody was handed over to the petitioner.

9. Learned Standing Counsel further submits that during investigation, notice of CDR/SDR of suspect's IMEI number was sent to TSU cell, South East District, New Delhi and after obtaining the same, no SIM was found working on the said IMEI.

10. The status report dated 23.01.2024 is taken on record and we have perused the same.

11. 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 daughter of the petitioner, the same shall be communicated to the petitioner and if the missing girl is rescued, she shall be produced before the concerned Metropolitan Magistrate.

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

(SURESH KUMAR KAIT)
JUDGE

(MANOJ JAIN)
JUDGE

JANUARY 23, 2024/ab

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