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

% ***Date of decision: 26th February, 2024***

+ **W.P.(CRL) 374/2024 & CRL.M.A.3424/2024**

RAJVATI @ RAJO

..... Petitioner

Through: Mr. Anwesh Madhukar, DHCLSC
and Mr. Devesh Khanagwal,
Advocates alongwith Petitioner in
person.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr.Sanjay Lao, Standing Counsel
(Crl.) with Ms. Priyam Agarwal, Mr.
Shivesh Kaushik and Mr. Abhinav
Kr. Arya, Advocates for the State.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The petitioner has preferred the present petition under Article 226 read with Article 21 of the Constitution of India and Section 482 Cr.P.C. seeking, *inter alia*, issuance of a Writ of Habeas Corpus to respondent to produce minor daughter, Miss 'L' of the petitioner.

2. Petitioner is aggrieved by the fact that on 20.09.2023, one Guddu, aged 27 years, had visited her house and threatened her that if she does not send her daughter, Miss 'L', aged 15 years, with him, he will kidnap her.



Petitioner's daughter went missing on 25.09.2023 around 04:00 PM. Thereafter, on 27.09.2023, petitioner approached Police Station Karawal Nagar, Delhi and FIR No.386/2023 was registered, however, no action was taken. Thereafter, on 05.10.2023, petitioner approached the office of ACP, North-East, Police Station Khajuri Khas, Delhi and also approached Delhi Commission for Women (DCW) on 16.12.2023, but to no avail. Hence, the present petition has been filed.

3. Mr. Sanjay Lao, learned Standing Counsel appearing on behalf of respondent-State has handed over a status report dated 26.02.2024 in the Court today which is taken on record.

4. It is noted in the status report that pursuant to filing of FIR No.386/2023 under Section 363 IPC, investigation was set into motion and it transpired that an individual named Guddu had communicated with the missing girl. A raid was conducted at his residence, however, it was found deserted.

5. On 19.02.2024, upon receipt of a secret information, again a raid was conducted at the residence of Guddu from where the missing girl was recovered, however, Guddu was not apprehended. After medical examination of missing girl/victim, on 20.02.2024, she was produced before the Court of learned Metropolitan Magistrate where her statement under Section 164 Cr.P.C. was recorded.

6. Learned Standing Counsel for State submits that the missing girl, i.e. daughter of the petitioner is present in the Court today.

7. This Court has interacted with the missing girl who submits that she would like to go with her mother who is present in the Court today. Petitioner is present in person and she submits that she is ready to take her



daughter with her without any objection.

8. According to status report, though no age related document has been furnished but as per version of the girl, she is 15 years old.

9. Accordingly, the custody of the missing minor girl Miss 'L' is handed over to her mother, i.e. petitioner.

10. In the light of above, the present petition and pending application are disposed of.

Copy of this order be given *dasti* under the signature of Court Master.

(SURESH KUMAR KAIT)
JUDGE

(MANOJ JAIN)
JUDGE

FEBRUARY 26, 2024
mr