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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of decision: 09th May, 2024

+ W.P.(CRL) 346/2023

ARUN MISHRA

..... Petitioner

Through: None.

versus

THE STATE GNCT OF DELHI & ORS.

..... Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) with Ms. Priyam Agarwal,
Mr. Abhinav Kumar Arya and
Mr. Shivesh Kaushik, Advocates with
SI Ajay Sharma, PS Kalyanpur.

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 by the petitioner seeking following prayer:-

(i) Pass and order/direction and issue a writ of Habeas Corpus and/or any other appropriate writ, order or directions to the respondent No.1 to 5/authorities including the police spread across length and breadth of the country towards the recovery of his missing son along with his mobile phone, he was in possession at the relevant point of time.

(ii) Pass an order/direction to the effect of directing the respondents No.1 to No.5/authorities to Register an FIR against the above said Respondent No.6, i.e., Krishna Prasad, S/o Late Omkar Prasad, R/o. House 9/272,



Trilokpuri, Delhi – 110091 for commission of offences i.e. kidnapping, abducting the son of the Petitioner illegally and unlawfully,

(iii) Direct the Respondents No.2 to No.5 to seize the Auto Rickshaw bearing No.DL-1RS-5106 of the Respondent No.6 and arrest the Respondent No.6,

(iv) Costs and expenses be also awarded in favour of the petitioner as against the respondents, in the interest of justice.

2. The petitioner is aggrieved by the fact that his son, aged about 27 years went missing since 18.05.2021. In this regard, FIR No.1013 has already been registered at Police Station Kalyanpuri for the offences punishable under Section 365 IPC.
3. Issue notice. Learned Standing Counsel for the State accepts notice on behalf of the State.
4. Mr.Sanjay Lao, learned Standing Counsel accepts notice on behalf of the State/respondent.
5. As per status report dated 27.02.2024, WT message was transmitted to all SSP's in India and DCP's in Delhi. Message was also uploaded on ZIPNET. Letter was sent to CRO/NCRB/SCRB/Prasar Bharti/CBI/DMPU for search of the missing son. Enquiry was also made at various bus stops, Railway Stations and auto stands. CCTV footage were also checked at various places like railway stations, malls, prominent markets, ISBT Hospitals and publications on various newspapers were made.



6. Learned Standing counsel for the State submits that respondent/State has made all the possible efforts to trace out the missing son of the petitioner but despite all these efforts, till date, no clue is there.

7. In light of the aforesaid, since all possible efforts to trace the missing son of the petitioner 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 missing son of the petitioner, the same be communicated to the petitioner and he be produced before the concerned Metropolitan Magistrate immediately.

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

SURESH KUMAR KAIT, J

MANOJ JAIN, J

MAY 09, 2024
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