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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 22.02.2024

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**W.P.(CRL) 587/2023
SAMIM AKHTAR****..... Petitioner****Through: Mr. Mohammad Shoakat
Hussain, Advocate.****versus****THE STATE AND ORS.****..... Respondents****Through: Mr. Sanjay Lao, Standing
Counsel (crl) with Ms. Priyam
Agarwal, Mr. Shivesh Kaushik
and Mr. Abhinav Kumar Arya,
Advocates with SI Maninder
Maan.
Mr. Charul Chaudhry,
Advocate for R-6 to 9.****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:-

*“a) to issue a Writ of Habeas Corpus thereby directing the respondents to produce minor daughter of the petitioner namely Ms X who is in illegally confined/detained of the respondent Nos. 4 to 8, before this Hon'ble Court and after hearing her she be handed over to the petitioner;
b) issue directions to the respondent Nos. 1 to 3 to interrogate and arrest the respondent Nos. 4 to 8 in crime under the relevant provisions/sections;”*

2. The petitioner is aggrieved by the fact that on 23.12.2022, petitioner's daughter went from her home and did not return. FIR No.936/2022 dated 23.12.2022, under Section 363 IPC was registered Police Station Prem



Nagar. However, the police has not so far been able to find her.

3. Heard.

4. Notice issued.

5. Mr. Sanjay Lao, learned Standing Counsel accepts notice on behalf of the State/respondent and has placed before this Court status report dated 09.01.2024. The same is taken on record.

6. As per status report, W/T message was flashed with the details of the missing girl. Information about the missing girl was also uploaded on ZipNet. Information was also sent to CBI, NCRB and missing cell. It is stated that despite all the possible efforts, the missing girl could not be traced out. It is also stated that the police would continue to make fresh efforts to find her out.

7. During further course of investigation, hue and cry notice were circulated in the area of nearby police station, ISBT, Railway Stations & all other important places. In order to trace the victim, the family members of the suspected person were examined on 12.05.2023, local enquiry was made and search of the victim was made.

8. As per status report, all the possible steps have been taken by the State to search the missing daughter of the petitioner however, no clue was found. The State has already registered FIR No. 936/2022 dated 23.12.2022, under Section 363 IPC. The respondent/State has also tried to locate suspect Rohit who is missing and not traceable.



9. In light of the aforesaid and since all possible efforts to trace out 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 with advance copy to the petitioner and, if any, clue is found about the missing daughter of the petitioner, the same be communicated to the petitioner. It is directed that the missing girl be produced before the concerned Metropolitan Magistrate as and when she is rescued.

10. The SHO of the concerned Police Station is also further directed to transfer the case to the Anti-Human Trafficking Unit (AHTU), Crime Branch and the said Branch is directed to file status report, as indicated above, before the concerned Metropolitan Magistrate.

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

(SURESH KUMAR KAIT)
JUDGE

(MANOJ JAIN)
JUDGE

FEBRUARY 22, 2024/SW