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

% ***Date of decision: 27th February, 2024***

+ **W.P.(CRL) 608/2024 & Crl.M.A.5623/2024**

TAPASI

..... Petitioner

Through: **Mr. Himansu Anand Gupta, Advocate
(DHCLSC) with Mr. Ishwar Raj
Chandra with petitioner in person**

versus

THE STATE NCT OF DELHI & ANR.

..... Respondents

Through: **Mr. Sanjay Lao, Standing Counsel
(Crl.) wit Mr. Abhinav Kumar Arya
and Ms. Priyam Agrawal, Advocates.
SI Ravi Beniwal, W/SI Kavita.**

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. Issue Writ of Habeas Corpus thereby directing the Respondents to take urgent/expedient steps to find the minor daughter of the petitioner, to secure her presence before the Hon 'ble Court and to restore the minor girl to the care and protection of her family and/or,

B. Pass an order thereby directing the Respondents to ensure/carry out proper and effective investigation and prosecution in respect of FIR No. 0063/2024 dt. 22.01.2024 lodged at PS Govindpuri.”



2. Issue notice. Learned Standing Counsel accepts notice on behalf of the State and has produced the status report dated 27.02.2024. The same is taken on record.
3. As per status report dated 27.02.2024, on 22.01.2024, a case FIR No.63/2024 was registered at PS Govind Puri for offence punishable under Section 363 IPC on the statement of the petitioner regarding missing of her minor daughter.
4. During investigation of the case, the missing/kidnapped girl has been recovered from Medinipur, West Bengal on 22.02.2024 and her statement has been recorded under Section 161 Cr.P.C. in which she has made allegations against CCL “P” of sexual assault and also of molestation against her step father Bhimal (Vimal).
5. As per status report, the medical examination of the missing girl/victim has been conducted in AIIMS, New Delhi vide MLC No.1026/2024 on 23.03.2024 on which the doctor has mentioned alleged history of sexual assault by CCL “P” and thereafter as per the statement of the victim under Section 161 CPC and MLC dated 23.02.2024, sections 376/344/354/34 IPC and section 4/10 POCSO have been added in the present case.
6. As per status report, during the course of investigation, CCL “P” has been apprehended on 23.02.2024 in the above said case and has been produced before the Principal Juvenile Justice Board, Delhi Gate and as per their directions, he has been sent to ‘Observation Home’.



7. Learned Standing Counsel submits that an application has been moved before the concerned MM Court for recording the statement of the victim under Section 164 Cr.P.C wherein a direction was passed by learned MM to produce the victim along with a translator of Bangla today itself. Learned Standing counsel further submits that further investigation of the case is still under progress.
8. Victim is present in Court and she states that she wishes to go with her mother, who is present in Court. However, the fact remains that her mother resides with her step father against whom the allegations of molestation have been made by the victim.
9. It is, accordingly, directed that the victim, after getting her statement recorded under Section 164 Cr.P.C, shall be produced before Child Welfare Committee (CWC), who shall then decide her custody as per law.
10. With the abovesaid directions, the petition stands disposed of.
11. Order *Dasti* under signatures of the Court Master.

(SURESH KUMAR KAIT)
JUDGE

(MANOJ JAIN)
JUDGE

FEBRUARY 27, 2024
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