



\$~11

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

% ***Date of decision: 22nd February, 2024***

+ **W.P.(CRL) 611/2024**

SALMUDDIN SAIFI

..... Petitioner

Through: **Mr. Harsh Prabhakar, (DHCLSC)**
with Mr. Dhruv Chaudhry and Mr.
Adeeb Ahmad, Advocates

versus

STATE NCT OF DELHI

..... Respondent

Through: **Mr. Sanjay Lao, Standing Counsel**
(Crl.) with Mr. Priyam Agarwal, Mr.
Abhinav Krumar Arya, Mr. Shivesh
Kaushik, Advocates and Insp.
Manjeet Singh

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.5662/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. The application is accordingly disposed of.

W.P.(Crl) 611/2024

3. The present petition has been filed by the petitioner under Article 226 of the Constitution of India read with Section 482 Cr.P.C. seeking issuance of a Writ of Habeas Corpus to produce his minor daughter Miss 'X'. Petitioner is further seeking transfer of the investigation to Anti Human Trafficking Unit or any other specialized unit.



4. The petitioner is aggrieved by the fact that his daughter Miss 'X' has been missing since 09.11.2023, regarding which FIR No.691/2023, under Section 363 IPC, has been registered at Police Station Neb Sarai, Delhi. However, no action has been taken to trace the child. Hence, the present petition has been filed.

5. Notice issued.

6. Mr.Sanjay Lao, learned Standing Counsel accepts notice on behalf of respondent-State who has handed over a status report dated 22.02.2024 in Court today, which is taken on record. It is noted in the status report that several steps been taken to search the missing girl but no clue has been found.

7. It is further noted in the status report that on 13.12.2023, complainant had stated that her daughter was taken away by one Ashu, son of Bijender, resident of Bhopalgarhi, Sikandrau, Aligarh, UP whose mobile number i.e. 9010568691, was obtained from one of his relatives. Call details record of said boy was obtained wherein it was found that he was in continuous contact with the victim girl on her father's mobile number 7701811758 and from 01.11.2023 to 09.11.2023, they both have exchanged around 150 calls. Ashu's mobile number has been switched off since 09.11.2023. IMEI of his mobile phone was also put on surveillance but till date no new SIM Card has been inserted in the said mobile. It is further stated that upon enquiry, Ashu's parents informed that they are not aware of his whereabouts.

8. The fact remains that in relation to missing daughter of petitioner, FIR No.691/2023 has already been registered under Section 363 IPC at Police Station Neb Sarai, Delhi and investigation is going on.

9. We hereby dispose of the present petition directing the SHO of the



Police Station concerned to file a monthly report stating progress/ status of investigation in tracing the victim girl, before the concerned Metropolitan Magistrate and if any clue is found about the petitioner's missing daughter, the same shall be communicated to him forthwith. Learned trial court would also be at liberty to transfer the investigation to the Anti Human Trafficking Unit or Crime Branch, if so required.

10. It is also made clear that if the victim girl is traced, she shall be produced before the learned Metropolitan Magistrate without delay.

11. The petition stands disposed of in abovesaid terms.

(SURESH KUMAR KAIT)
JUDGE

(MANOJ JAIN)
JUDGE

FEBRUARY 22, 2024/rk