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

% ***Date of decision: 28th February, 2024***

+ **W.P.(CRL) 684/2024 & CRL.M.A.6383/2024**

AJVENDER

..... Petitioner

Through: **In person with Mr. Dinesh
Malik, Advocate on the panel
of DHCLSC & Mr. Retesh
Malik, Advocate**

Versus

STATE THROUGH SHO PS BINDA PUR & ANR. Respondents

Through: **Mr. Sanjay Lao, Standing
Counsel (Crl.) with Ms. Priyam
Agarwal, Mr. Abhinav Arya
and Mr. Ashish Kaushik,
Advocates with SI Anup Rana**

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

W.P.(CRL) 684/2024

1. The petitioner has filed the present petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C. seeking direction in the nature of a Writ of Habeas Corpus to the respondents to produce his daughter Miss 'K'.

2. Petitioner is aggrieved by the fact that on 27.10.2023 around 09:30 PM, his minor daughter, aged 16 years, left the home for buying thread for



sewing and has been missing since then. Petitioner claims that he tried to search his daughter at all the possible locations but could not trace her out. Thereafter, on 27.10.2023, the petitioner approached Police Station Bindapur and after repeated requests by him and his family members, police registered FIR No.716/2023, under Section 363 IPC on 29.10.2023 against one Sunil, son of Hiralal, resident of Subhash Park Extn., Uttam Nagar, Delhi. Petitioner claims to have also approached and made complaints to DCP, Dwarka and Commissioner of Police, Delhi on 20.11.2023, 11.12.2023 and 26.12.2023, however, no action has been taken. Hence, the present petition.

3. Notice issued.

4. Mr. Sanjay Lao, learned Additional Standing Counsel accepts notice on behalf of respondent-State, who has handed over Status Report dated 28.02.2024, which is taken on record.

5. It is noted in the Status Report that during investigation, several steps were taken to trace out the victim and raid was conducted at the residence of accused Sunil but he absconded. It is further noted that the mother of accused-Sunil was inquired who told that her son Sunil had come with the victim Miss 'K' and thereafter, left the home saying that he was going to drop Miss 'K' back to her home.

6. It is also noted in the Status Report that during investigation, CDR of mobile number of victim was obtained but her phone has been switched off since 27.10.2023. Also, CDR of mobile No.7678217019 of accused was obtained and his phone is also switched off since 28.10.2023. Even another mobile number of accused is found switched off since 30.10.2023. It is further noted that IMEIs of all three mobile numbers were searched but no

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new SIM has been inserted in these mobile phones. Moreover, no new mobile SIM has been found to be issued either in the name of the victim or in the name of the accused. Furthermore, the accused has not made any Paytm transaction since 28.10.2023. It is further noted that despite all these efforts, no clue has been found.

7. Pertinently, in relation to the incident of missing daughter of petitioner, FIR No.716/2023, under Section 363 IPC at Police Station Bindapur, Delhi has already been registered and the State is making all endeavours to trace her out.

8. In the light of the fact that the respondent-State has already made earnest efforts to trace out the missing girl, we hereby dispose of the present petition by directing the respondent-State to file fortnightly report before the concerned Metropolitan Magistrate in respect of progress of investigation made in order to search the missing girl, with an advance copy to the petitioner.

9. It is made clear that if the missing girl is traced or rescued, she shall be produced before the learned Metropolitan Magistrate without delay and its information shall be given to the petitioner and her family members.

10. With aforesaid directions, the present petition and pending application are accordingly disposed of.

(SURESH KUMAR KAIT)
JUDGE

(MANOJ JAIN)
JUDGE

FEBRUARY 28, 2024/rk

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