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

% ***Date of decision: 03rd May, 2024***

+ **W.P.(CRL) 1378/2024**
SH. SURESH ROY

..... Petitioner

Through: Mr. Chandan Kumar Mandal,
Advocate with petitioner in person.

versus

THE STATE (GOVT. OF NCT OF DELHI) & ORS.

..... Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) with Mr. Priyam Agarwal,
Mr. Abhinav Kumar Arya and
Mr. Shivesh Kaushik, Advocates with
Inspr. Jagdish Yadav and SI Yasheer,
PS Govind Puri.
Mr. Anwesh Madhukar with
Ms. Prachi Nirwain, Advocates for
respondent Nos.5 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)

CRL.M.A. 13543/2024 (exemption)

Exemption allowed subject to all just exceptions.

W.P.(CRL) 1378/2024

1. Present petition has been filed seeking following prayer:-

(a) issue the Writ of Habeas Corpus requiring the respondents to appear and produce the son of the petitioner namely Sh. Hari Shankar Roy, S/o Sh. Suresh Roy (Petitioner), R/o B-400, Near Petrol Pump,



Govindpuri Transit Camp, Kalkaji, New Delhi -110019 before your Lordship, who is illegally detained/abducted/kidnapped by the Respondent Nos.5 to 9;

(b) to issue an appropriate writ of Habeas Corpus / direction /order in favour of the petitioner and against the respondent Nos.1 to 9 to produce the son of the petitioner namely Sh. Hari Shankar Roy, S/o Sh. Suresh Roy, R/o B-400, Near Petrol Pump, Govindpuri Transit Camp, Kalkaji, New Delhi- 11 0019 before this Hon ble Court and register an FIR against the respondent Nos.5 to 9 under appropriate provisions of IPC, in the interest of justice.

2. Issue notice. Learned Standing Counsel for the State accepts notice on behalf of the State and has produced the Status report dated 03.05.2024. The same is taken on record.
3. As per the status report, a complaint was received from the petitioner at PS Govindpuri, Delhi wherein complainant alleged that his son namely Hari Shankar Roy had been got kidnapped/abducted by her daughter-in-law namely Smt. Seema (respondent No.9) and her father Mihir Das (respondent No.5) from his house H.No.B-400, Transit Camp, Govindpuri, Delhi, where petitioner's son was residing with his wife (respondent No.9). It is also claimed that respondent No.5 has also threatened to kill petitioner's son if he rebuked/misbehaved with his wife.
4. As per status report, during the course of inquiry, it was revealed that a PCR call vide DD No.99A stating "*VICTIM KE SAAS SASUR JHAGRA KAR RAHE HAI OR JABARDASTI LOCK TODKAR GHAR ME GHUSNE KI KOSIS KR RHE HAI*" and a PCR call vide DD No.104A stating



“CALLER BOL RHA HAI KI BAHU GHAR KA TALA LAGA KAR CHALI GAYI THI SAAS TALA KHOL RHI HAI TO SAAS KE SAATH BAHU MAARPEET KAR RAH HAI” were received at PS Govindpuri from the alleged wife and petitioner respectively regarding quarrel and that day, petitioner did not level any allegation of kidnapping/abduction of his son. It is stated that on 30.04.2024, a complaint was filed at PS Govindpuri by respondent No.9 apprehending that her in-laws might implicate her in false case of kidnapping/abduction of her husband and on receipt of said complaint, FIR No.263/24 was registered at PS Govindpuri under Section 365 IPC on 02.05.2024 and investigation is being done.

5. As per status report, Smt. Seema (respondent No.9) w/o Hari Shankar has been interrogated who has stated that on 26.03.2024, her husband was with her at her matrimonial home, i.e, H. No. 504, Gali No.17, Chhuria Mohalla, Delhi and in the early morning of 27.03.2024, he went away from her matrimonial home saying that he would come back to take her to his home, i.e., B-400 Transit Camp, Govindpuri and she had also talked to her husband through video call at 4:45 pm. She further stated that when her husband did not return in the evening of 27.03.2024, she dialed his number but he could not be contacted. It is further stated by her that she suspected that her husband might have gone to Noida, so, on that day, she asked her sister-in-law namely Aneeta Roy (Nanad of alleged Seema) to contact him on telephone but he could not be contacted. As per status report, CDR's of suspected number (i)7838664492 (ii) 9599596638 (iii) 7982599291 (iv) 9650402388 were sent to concerned authority to find out any clue about petitioner's son and the same are being analysed.



6. Learned counsel appearing for respondent Nos.5 to 9 has informed this Court that Seema (daughter-in-law of petitioner) has already filed a complaint at CAW Cell, Srinivas Puri against her in-laws, including petitioner herein, and summons in the said complaint have already been issued by CAW Cell, Srinivas Puri and that the present petition has been filed as a counterblast to said complaint.

7. In light of the aforesaid and since the present case essentially pertains to matrimonial dispute and a complaint is pending before the CAW Cell, Srinivas Puri and an FIR No.263/2024 under Section 365 IPC is pending investigation, we hereby dispose of the present writ petition directing the concerned police officials to file monthly status report before the concerned Metropolitan Magistrate and, if any, clue is found about the son of the petitioner, the same be communicated to the petitioner and other family members.

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

(SURESH KUMAR KAIT)
JUDGE

(MANOJ JAIN)
JUDGE

MAY 03, 2024/st