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

+ W.P.(CRL) 1390/2024

BIBI TARANNUM

..... Petitioner

Through: Mr.Rajiv Bajaj, Mr. Vidur Marwah
and Ms. Shruti Khosla, Advocates

versus

STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) with Ms. Priyam Agarwal,
Mr. Abhinav Arya, Mr. Shivesh
Kaushik, Advocates for State, Insp.
Madhurendra Kumar and W/SI
Nidhi Dahiya

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

29.05.2024

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Crl.M.A. 16507/2024

1. The present application has been filed by the petitioner seeking adjudication of present petition in view of order dated 15.05.2024 passed by Child Welfare Committee.
2. It is pertinent to mention here that since the girl child in question was only 14 years old and the act of sexual assault was committed upon her by her own real brother, i.e., son of the petitioner, therefore, vide order dated 03.04.2024, Child Welfare Committee (CWC) was directed to decide about the custody of the minor child after hearing both the sides.



Liberty was also granted to the petitioner to move application seeking custody of the child before CWC and on receipt such application, CWC was directed to decide the same expeditiously and in accordance with law.

3. Pursuant to said order dated 03.05.2024, petition moved an application seeking custody of her daughter before the Child Welfare Committee and vide order dated 15.05.2024, the CWC has observed as under:

“As per the counseling report dt 14.05.2024, child did not have any behavioral concerns and wanted to go back home.

Bench interacted with the child and child stated that her family is exerting presser on her to change the statement and further stated that she does not want to go home which shows contradiction in view of the statement made in the counseling report and the statement made before the Bench

Also, Ms. Mainaak Bhardwaj (PO) was ordered to counsel the child and child shared the same as before the Bench, with the concerned PO.

Also, on perusal of the file it was found that the accused in this case is the child's real brother and he has absconded.

Keeping in view the statement made before the Bench and during the counseling with PO concerned and also as the accused was not apprehended till that date, the child stay was extended in the concerned CCI in her best interest and In-charge was directed to access the phone so that the child can speak with her family in presence of W.O as per her wish.

On dt. 15.05.2024 i.e., today, an updated counseling report is received from Rose Udaan Home. Same is taken on record. As per the application child wants to continue her formal education and warts to stay in CCL Further it is mentioned that her parents are pressurizing her to change her statement.”



4. It is not in dispute that that against the said order dated 15.05.2024 passed by the CWC, the appeal is maintainable under Section 101 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

5. In view of the above, the present application is disposed of while giving liberty to the petitioner to approach the appropriate forum and to take steps as per law and on taking such steps, the concerned forum is directed to decide the matter expeditiously.

SURESH KUMAR KAIT, J

MANOJ JAIN, J

MAY 29, 2024/rk