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

% ***Date of decision: 09th May, 2024***

+ **W.P.(CRL) 1463/2024 & CRL.M.A. 14289/2024**

ASHOK KUMAR

..... Petitioner

Through: Mr. Kuldeep Kmar with Mr. L.M. Singh, Mr. Syed Nilofar Akhtar, Advocates.

versus

THE STATE OF NCT OF DELHI AND ORS. Respondents

Through: Mr. Sanjay Lao, Standing Counsel (Crl.) with Ms. Priyam Agarwal, Mr. Abhinav Kumar Arya and Mr. Shivesh Kaushik, Advocates with SI Amit, PS Badar Pur.

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:-

(i) *Issue a writ in the nature of Habeas Corpus or any other writ, order or direction as may be deemed appropriate by this Hon'ble Court, directing the respondents herein to produce the minor son of the petitioner before this Hon'ble Court.*

(ii) *to direct the concerned respondents to immediately produce the minor child and handover the custody of the minor child to the petitioner.*

2. Issue notice. Learned Standing Counsel for the State accepts notice on behalf of the State and has produced the Status Report dated 09.05.2024. The same is taken on record.



3. As per status report, on receipt of the complaint from the petitioner regarding missing of his minor son on 21.01.2023, case FIR No.61/2023 has been registered at Police Station, Badarpur for the offence punishable under Section 363 IPC.

4. As per status report, during investigation, the petitioner along with his brother Devender visited the Police Station on 24.01.2023 and expressed suspicion on his wife (respondent No.5) and her family members, that they had taken away his son. They revealed that 10 days after the birth of their son, wife of the petitioner left him and started residing at her parents' house in Meerut. She and her family members have also initiated legal proceedings against the petitioner and his family members in Meerut Court. In light of these revelations, the wife of the petitioner and her family members were called for interrogation and during interrogation, they revealed that petitioner was unwilling to divorce his wife and their case was scheduled for hearing on 20.01.2023 in Meerut Court but neither the petitioner nor his family members attended the Court proceedings on the said date. They also revealed that on 21.01.2023, petitioner filed an FIR alleging kidnapping of his son in order to harass them and said FIR is pending for investigation.

5. Learned counsel for the petitioner submits that the investigation is not being done properly and appropriate steps are not being taken by the Police Officials of Police Station, Badarpur and accordingly, he has requested this Court that the investigation of the present case be transferred to Anti-Human Trafficking Unit (AHTU), Crime Branch.



6. Accordingly, the SHO, Police Station Badar Pur is directed to transfer the present case with all the relevant documents pertaining to the case to Anti-Human Trafficking Unit (AHTU), Crime Branch and on receipt of the same, Anti-Human Trafficking Unit (AHTU), Crime Branch is directed to file a monthly status report before the concerned Metropolitan Magistrate with advance copy to the petitioner and, if any clue is found about the missing boy of the petitioner, the same be communicated to the petitioner and he be produced before the concerned Metropolitan Magistrate immediately.

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

SURESH KUMAR KAIT, J

MANOJ JAIN, J

MAY 09, 2024
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