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

+ **W.P.(CRL) 1596/2024**

SUBHASH PAL

..... Petitioner

Through: Counsel (appearance not given).

versus

STATE OF NCT OF DELHI THROUGH ITS SECRETARY & ORS.

..... Respondents

Through: Mr. Sanjay Lao, Standing Counsel
with Insp. Sudhir Kumar and ASI J.
Umesh, P.S. Model Town.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

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20.05.2024

CRL.M.A. 15481/2024 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. Application is disposed of.

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3. The present petition has been filed by the petitioner under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 seeking issuance of a writ of *habeas corpus* or any other writ, directing respondents to produce his wife.
4. According to the petitioner, he is a daily wager, who drives e-rickshaw on rent and his family comprises of his wife and four children. The petitioner has alleged that on 25.08.2023, accused Mohan forcefully took away his wife to his native place in Rajasthan when nobody was home. In this regard,



petitioner lodged complaint with the concerned police station on 04.10.2023 and also with the concerned DCP on 13.10.2023 requesting for registration of FIR.

5. The petitioner claims that he was living happily with his wife since their marriage in the year 2004. In April 2023 also, accused Mohan had misled the victim lady and took her away from the company of his children. However, she voluntarily returned in August, 2023. The petitioner apprehends that accused Mohan has again misled her.

6. During the course of hearing, learned counsel for the petitioner has submitted that police officials are not co-operating to trace out whereabouts of the petitioner's wife, who has since been missing for last 07 months and therefore, the petitioner has been forced to approach this Court.

7. Notice issued.

8. Mr. Sanjay Lao, learned Standing Counsel (Criminal) appearing on behalf of the State accepts notice and has placed before this Court status report dated 20.05.2024, which is taken on record.

9. In the status report, it is noted that on 26.02.2023, the petitioner/complainant lodged DD No. 3A dated 26.02.2023 at Police Station Model Town, Delhi regarding missing of his wife. After lodging the missing report, all the sincere efforts were made to trace the petitioner's wife. On the basis of CDR analysis and intelligence developed through informers, on 18.04.2023 the petitioner's wife was traced at Village Garhi, Police Station Langra, District Karuli (Rajasthan).

10. It is further noted in the status report that on 24.03.2024, petitioner's wife had called up from mobile No. 9756243791 on petitioner's mobile, which was answered by their children. When the children ask her to come



back, she replied that their father used to beat her and they were not kids. As per status report, the conversation between the children and petitioner's wife nowhere showed that she had been abducted or was under any fear or pressure.

11. Further noted in the status report that on 19.05.2024, petitioner's wife had given a statement that on 26.08.2023 she had left her husband's house of her own sweet will and presently living with Yogender Yadav and that on 18.05.2024 she has given birth to a female child, therefore, she is unable to appear in person before the Court.

12. Learned Standing Counsel has, however, informed that the missing lady is appearing via video-conferencing today.

13. This Court has interacted with the wife of the petitioner. She has submitted that petitioner was committing atrocities upon her due to which she had left petitioner's house and has married one Yogender.

14. Since petitioner's wife has been traced out and her present whereabouts are now known and since she has voluntarily left the company of petitioner, no further order is required to be passed in the present petition, which is merely in the nature of habeas corpus.

15. Petitioner would be at liberty to take other steps by filing appropriate petition before the appropriate Court.

16. The petition is accordingly disposed of in aforesaid terms.

SURESH KUMAR KAIT, J

MANOJ JAIN, J

MAY 20, 2024/uk