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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of decision: 22nd May, 2024**

+ W.P.(CRL) 1636/2024 & CRL.M.A. 15979/2024

AJAY PASWAN

..... Petitioner

Through: Mr. Maduresh Kumar Mishra, Advocates.

versus

THE STATE NCT OF DELHI AND ORS.

..... Respondent

Through: Ms. Priyam Agarwal with Mr. Abhinav Kumar Arya and Mr. Shivesh Kaushik, Advocates with W/SI Shrishti and Insp. Manoj Dalal for Mr. Sanjay Lao, Standing Counsel.

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:-

“a) Issue a writ of 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 respondent no. 3 to recover and release the wife of the petitioner namely Tamna @ Monika and son of petitioner namely MR. XXX aged about 9 months from illegal custody of respondent no. 4 and hand over them to their legal guardian (Petitioner)

b) Issue a writ in the nature of mandamus directing respondent No.2 & 3 for providing police protection in the present case as he is apprehending fear and threat to his life.”

2. Issue notice. Learned Standing Counsel for the State accepts notice on behalf of the State and has produced the Status Report dated 22.05.2024

The same is taken on record.



3. It is stated in the status report that on 06.10.2022, victim, aged around 16 years, left home for buying medicine and did not return. In this regard, FIR No.1022/22 under Section 363 IPC at Police Station Subhash Place was registered.

4. During the course of investigation, the efforts were made to trace out the missing daughter but she could not be traced. On 10.04.2023, the missing daughter along with her son visited PS Subhash Place and introduced herself as the victim in the present case and prayed that the whole proceedings of the case be closed. Her parents were called, but they both refused to take her back.

5. As per the status report, counselling of the victim was done by the DCW Counsellor and thereafter, her medical examination also got conducted from Bhagwan Mahavir Hospital vide MLC No. 1215/20124.

6. Further, during the course of investigation, the victim, who was found to be minor, along with her child (aged about 9 months) were produced before the CWC-VI, Avantika, Rohini, Delhi on 12.04.2024, from where she was ordered to be admitted at Children Home for girls, Nirmal Chhaya Complex, Hari Nagar, Delhi along with her child.

7. Her statement was recorded before learned Court of MM (N-W), Rohini Courts, Delhi under Section 164 Cr.P.C on 12.04.2024, wherein, she stated that she left her house willingly and got married with the petitioner and from such wedlock, she was having a baby boy of 09 months.



8. It is not clear as to why the petitioner has not disclosed these material facts in his writ petition.

9. Be that as it may, the wife of the petitioner is now in Nirmal Chhaya, Hari Nagar, Delhi as per order of CWC.

10. In view of the above facts and circumstances and since the victim is minor, Section 376 IPC r/w 6 POCSO Act has been added in the present case against the petitioner, no further order is required to be passed in the present matter.

11. The petition stands disposed of.

(SURESH KUMAR KAIT)
JUDGE

(MANOJ JAIN)
JUDGE

MAY 22, 2024/sw