



2024:DHC:4903-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of decision:-2nd July, 2024.*+ **W.P.(CRL) 1642/2024**

SUMAN

..... Petitioner

Through: Mr. Aditya, Mr. Kailash Kumar Jha,
Mr. Anjani Kumar Mishra, Advocates
alongwith Petitioner in Person. (M:
8699723746).

versus

COMMISSIONER OF POLICE AND ORS Respondents

Through: Mr. Sanjay Lao, standing counsel
(Crl.) for State with Ms. Priyam
Agarwal and Mr. Abhinav Kr. Arya,
Advocates.
Insp. Rakesh K., ASI Kailash Joshi
and W/Ct Sunita, PS Sangam Vihar.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE AMIT SHARMA

Prathiba M. Singh, J. (Oral)

1. This hearing is conducted through hybrid mode.
2. The present writ petition was filed by the Petitioner, seeking the issuance of a writ of habeas corpus for the production of her daughter, Ms. M, who has been missing since 4th April, 2024. The Petitioner's daughter, is a minor, aged 13 years. Notice was issued and accepted in the present writ petition on 21st May, 2024.
3. Vide order dated 31st May, 2024, the Investigation Officer was replaced. Thereafter, Ms. M was produced before the Vacation Bench on 5th



June, 2024 and a direction was passed to place on record the Medical Report and Status Report.

4. In compliance with the directions given *vide* order dated 5th June, 2024, the Status Report has been filed by the learned Standing Counsel, which reveals that various efforts were made for tracing the minor girl. It further records that the girl was located near Batra Hospital in Sangam Vihar on the intervening night of 03rd-04th June, 2024. Thereafter, she was taken for counselling by the CWC Counsellor, and she did not disclose any history of physical or sexual assault. Her medical examination was also conducted at AIIMS Hospital. She was then produced before the learned Metropolitan Magistrate, where her statement under Section 164 Cr.P.C was recorded on 4th June, 2024, and she is currently placed in Global Shelter Home, Chattarpur, New Delhi, as per the order of the CWC.

5. The girl has also been produced before the Court along with her mother. The Court has interacted with the girl and her mother in Chamber. It has emerged that another FIR has been registered under Section 376 IPC, in respect of the girl's elder sister, who is currently in a shelter home. As per them, the family is facing threats from one local person, namely Dolphin, whose brother is the accused in the F.I.R. relating to the sister of the girl in the present case. The brother is stated to have been declared as P.O. in the said FIR.

6. The girl has also expressed her preference to stay at the same shelter home with her sister, on account of the threats being extended to her. Her mother also feels that her daughters should be placed in the same shelter home. Learned Standing Counsel pointed out that the aforesaid position has not been stated before the learned Metropolitan Magistrate, when her



statement under Section 164 of the Cr.P.C was recorded.

7. A perusal of the girl's statement under Section 164 Cr.P.C. reflects that her father is usually drinking, and on the day when she left her home, she stayed with one Ms. Isha at Laado Sarai. However, she is unwilling to reveal the mobile number or the exact address of Ms. Isha.

8. Considering the submissions made before the Court, let the minor child be produced before the learned Metropolitan Magistrate for recording her supplementary statement. After recording of the said statement, she may be produced before the CWC, and the CWC will then consider placing her in the appropriate shelter home in terms as recorded hereinabove.

9. The petition is accordingly disposed of.

10. Pending applications, if any, also disposed of accordingly.

11. Order be given *dasti* under the signature of Court Master.

PRATHIBA M. SINGH
JUDGE

AMIT SHARMA
JUDGE

JULY 2, 2024
dj/BSR/am