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

% ***Date of decision: 26th February, 2024***

+ **W.P.(CRL) 2558/2023**

MRS BABLI

..... Petitioner

Through: **Mr. Sunil Choudhary, Advocate.**

Versus

STATE OF NCT OF DELHI

..... Respondent

Through: **Mr. Sanjay Lao, Standing Counsel (Crl.) with Ms. Priyam Agarwal, Mr. Shivesh Kaushik and Mr. Abhinav Kr. Arya, Advocates for the State with Insp. Narender Kumar and ASI Nawshad Haider, P.S. Bhajanpura.**

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The petitioner has preferred the present petition under Article 226 of the Constitution of India and Section 482 Cr.P.C., *inter alia*, seeking issuance of a Writ of Habeas Corpus to respondent to produce minor daughter, Miss 'S' of the petitioner.
2. The facts giving rise to the present petition are that on receipt of PCR call, DD No. 153/A was entered at Police Station Bhajanpura on 20.08.2023. On the complaint of the caller, FIR No.460/2023 under Section 363 IPC was registered regarding kidnapping of petitioner's daughter Ms. "S", aged 15 years.
3. In the status report dated 27.09.2023, it is noted that upon registration of aforesaid FIR, during investigation, footage of CCTV camera installed at



Shahdara Railway Station was accessed which indicated that on 19.08.2023 the missing girl was seen. Further investigation revealed that the missing girl Miss 'S' had also made a call to one Rizwan on his mobile No. 9310571983 by a mobile No. 7827251701. On 23.08.2023, a raid was conducted at the native house of Rizwan and during interrogation he told that he used to work near the house of Miss 'S' who had called him to Shahdara Railway Station on 19.08.2023 but he refused to go there.

4. The respondent-State vide letter dated 26.09.2023 sought permission of learned court of Metropolitan Magistrate for conducting polygraph test of Rizwan from FSL, Rohini and prayed for fixing a date for polygraph test.

5. In its further status report dated 31.10.2023, it is averred on behalf of the respondent-State that the sister of complainant had provided a mobile No. 9927961991 from where a message "Hi" was received on 24.09.2023 which number was used by Miss 'S'. Upon further investigation, it transpired that the said number was being used by son of one Babli, who had purchased an old mobile phone make "one plus" from Hapur and he had sent "Hi" on all contact list of that mobile number. The investigation was further carried out in respect of IMEI number of the said mobile number as well as its call details record.

6. The status report dated 06.12.2023 further incorporates the opinion rendered in the FSL report in respect of polygraph test of Rizwan Ahmad, which is as under:

"the analysis and evaluation of polygrams reveal truthful responses on the issues no. (i) to (v). According to polygraph examination and analysis of polygrams, Rizwan Ahmad is truthful in his answers."

7. Mr. Sanjay Lao, learned Standing Counsel appearing on behalf of



respondent-State has handed over a status report dated 26.02.2024 in the Court today, which is taken on record.

8. It is further noted in the status report that information with regard to missing girl has also been published in The Impressive Times in English format and in Loksatya in Hindi format on 06.01.2024. Thereafter, a letter for announcing reward for search of victim Miss 'S' was sent to concerned DCP on 07.02.2024. The status report further incorporates that inquiry is being conducted on regular basis, but till date no further clue could be found.

9. In the light of the fact that the respondent-State has already made earnest efforts to trace out the missing girl, we hereby dispose of the present petition by directing the respondent-State to file monthly report before the concerned Metropolitan Magistrate in respect of progress of investigation made in order to search the missing girl, with an advance copy to the petitioner.

10. It is made clear that if the missing girl is traced or rescued, she shall be produced before the learned Metropolitan Magistrate without delay and its information shall be given to the petitioner and her family members.

11. With aforesaid directions, the present petition and pending application are disposed of.

(SURESH KUMAR KAIT)
JUDGE

(MANOJ JAIN)
JUDGE

FEBRUARY 26, 2024/MR