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

+ **W.P.(CRL) 1875/2024**

PREMPARKASH

..... Petitioner

Through:

Ms. Amirta Chaudhary, Adv. along
with Petitioner and his wife.

versus

**STATE THROUGH SHO, P.S. SUBZI MANDI,
DELHI**

..... Respondents

Through:

Mr. Sanjay Lao, Standing Counsel
with Mr. Priyam Agarwal, Mr.
Abhinav and Mr. Shivesh Kaushik,
Advocates with SI Deepak PS Sabzi
Mandi.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

% **01.07.2024**

1. This hearing was conducted through hybrid mode.

CRL.MA...../2024(to be numbered)

2. This application seeks urgent hearing of the present Habeas Corpus petition.

3. The application is allowed and disposed of.

W.P.(CRL) 1875/2024

4. This matter was taken up before the Vacation Bench on 10th June, 2024 where it was recorded that the Investigating Officer (*hereinafter 'IO'*) is making efforts to trace out the minor and a Status Report was directed to be filed.



5. Today, an application has been moved by the learned Standing Counsel and the Status report has been filed. The girl/Ms. K has been produced in Court along with her parents. As per the Status Report, after tracing the child/Ms. K and the accused, they were produced before the learned MM Tis Hazari Court on 11th June, 2024. The accused has been sent to judicial custody. The MLC of the girl has also been conducted and she was produced before the CWC-III, Kingsway Camp, Mukharjee Nagar, Delhi. It has been further observed that the girl/Ms. K in her statement under Section 164 of the Cr.P.C. has stated that she had gone with the accused on her own volition and the latter did not commit any act against her will.
6. The girl, as per the status report, is studying in Queen Mary Girls School, Tis Hazari Delhi and her date of birth is 6th September, 2007. She has been restored to her parents *vide* order dated 14th June, 2024 passed by the CWC.
7. The Court has interacted with the girl and also with her parents. She is comfortable living with her parents currently. Thus, no further orders are required to be passed and the petition is disposed of accordingly.
8. Pending application(s), if any, also stand disposed of accordingly.
9. The date already fixed i.e., 03.07.2024, stands cancelled.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

JULY 1, 2024
Mr/pc/ns



At this stage

10. Before the order was released, Ms. Amrita Chaudhary, learned Counsel for the Petitioner again mentioned the matter alongwith the Petitioner and his wife. Learned counsel has submitted that there has been lack of diligence by the Investigating Officer (IO) in this matter as, for more than one month, no proper investigation was conducted. She also points out that the same has also been recorded by the Duty Magistrate in the order dated 11th June, 2024. It is further submitted that no action has also been taken against other accused persons.

11. The reliefs sought in this writ petition are as under:

*“A. pass a writ of habeas corpus directing the respondents to produce in the court minor daughter of petitioner from illegal custody; and
B. pass an order for directing the police for taking the necessary steps to arrest the accused person in the present case; and
C. pass an order for giving the custody of minor daughter to the petitioner i.e. her father; and
D. pass any other or further order(s) which this Hon'ble Court may deems fit and proper in the facts and circumstances of the case, in the interest of Justice”*

12. As can be seen, the scope of this writ petition is limited i.e. to the effect of habeas corpus for production of the girl and for directing police to take necessary steps to arrest the accused. The girl has already been produced. She is now in the custody of her parents. Proceedings have also started before the Trial Court, before whom the girl and accused have already appeared on 11th June, 2024. The investigation shall further be conducted diligently in accordance with law and the matter shall proceed further.



13. Appearance of the learned Counsel for the Petitioner shall be taken as reflected even in the order dated 10th June, 2024.

14. The petition is disposed of.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

JULY 1, 2024
dk/rks