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

+ **W.P.(CRL) 1876/2024**

SMT RITA KUMARI

.....Petitioner

Through: Mr. Niteen Kumar Sinha, Advocate
alongwith Petitioner in person.

versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) with Ms. Priyam Agarwal & Mr.
Abhinav Kumar Arya, Advocates.
Insp. Mahendra & ASI Sunita P.S.
AHTU, Crime Branch.
The Girl and boy/Rajesh Yadav in
person.
Mr. Anil Kumar Sharma and Mr.
Narender Kumar, Advocates for
Rajesh Yadav.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

% **11.11.2024**

1. This hearing has been done through hybrid mode.
2. The present writ petition has been filed on behalf of the Petitioner-Mrs. Rita Kumari under Article 226 of the Constitution of India seeking issuance of a writ of *habeas corpus* for the production of her daughter Ms. 'P'.
3. It is stated that Ms. 'P' was a minor aged 17 years old at the time she went missing.
4. The case of the Petitioner is that her daughter went missing from the residence on 23rd April, 2024. Thereafter, on 25th April, 2024 an FIR was



lodged bearing **FIR No. 0155/2024** at P.S. Mayur Vihar Phase-I under Section 363 IPC.

5. Certain allegations were made against one Sh. Rajesh Yadav. Subsequently, a complaint letter dated 3rd May, 2024 was sent to DCP, East Office Patparganj by the Petitioner's elder daughter. However, despite exhaustive efforts, Ms. 'P' could not be located. Hence, the present writ petition.

6. The matter was first taken up on 10th June, 2024 wherein vide status report dated 10th June, 2024, the Court was informed that all the necessary steps were taken for tracing of the missing girl. The CDR was also requested from various mobile companies and various observation homes were also checked. In view thereof, the Court directed that efforts be made to trace the missing girl and a status report be filed on the next date of hearing.

7. The case was then taken up on 2nd July, 2024 wherein a fresh status report dated 2nd July, 2024 was filed. On a perusal of the said status report, it could be ascertained that the police took multiple steps to trace the missing girl, including visiting the home of the accused in Parpatganj, Uttar Pradesh. The Court on 2nd July, 2024 directed that investigation in the present case be continued and status report be filed accordingly.

8. On the last date of hearing *i.e.* 14th October, 2024, a status report dated 13th October, 2024 was placed before the Court wherein it was stated that despite multiple efforts undertaken by the concerned police officials, the missing girl could not be traced. In view thereof, the Court directed investigation in the present matter be transferred to Anti Human Trafficking Unit ('AHTU'), Crime Branch, who shall take expedient steps for tracing the minor girl. The relevant portion of the order dated 14th October, 2024 is



extracted hereinunder:

“3. Today, a detailed status report dated 13th October, 2024 has been placed on record setting out the steps taken for tracing the minor girl. The investigation till now has been undertaken by the SHO, P.S. Mayur Vihar, however, the girl is still not traceable.

4. In view of this matter, let the investigation be transferred to Anti Human Trafficking Unit (‘AHTU’), Crime Branch, who shall take expedient steps for tracing the minor girl. The records of the present case be transferred to AHTU, Crime Branch.”

9. The matter has been listed today and a status report dated 11th November, 2024 has been filed wherein it is stated that the missing girl, Ms. ‘P’ has been traced to Village Pritampura, Kunda, District Pratapgarh, Uttar Pradesh, where she is living with one Sh. Rajesh Yadav.

10. The girl, Ms. ‘P’ and the said boy have been produced before the Court. The Petitioner- Mrs. Rita Kumari and her elder daughter are also present in Court. The Court has had an in-chamber hearing with the parties present.

11. The girl, Ms. ‘P’ has informed the Court that she was studying in Class 12th from Open Schooling when she left her home on 23rd April, 2024 and she has not cleared the said examination.

12. The boy has informed the Court that he renders services to mobile companies as a technician and is living with his father in Pratapgarh, Uttar Pradesh.

13. On behalf of the girl and the boy it is submitted that they got married on 13th September, 2024 at Arya Samaj Marriage Trust at Rohini, Delhi and, thereafter, the marriage has also been registered on 26th October, 2024 at the SRO Office, Sadar District, Pratapgarh, Uttar Pradesh.



14. The mother and sister of Ms. P have stated that the husband/father is not alive and the mother of Ms. P has no objection to the marriage of Ms. 'P' which has taken place on 13th September, 2024. However, she would like to ensure that the girl's education is completed before she goes back to her matrimonial home.

15. It is further stated that the mother, *i.e.*, the Petitioner has no objection to her daughter staying in touch with the boy or even visiting him from time to time. The girl has also expressed that in view of the assurances given by her mother to her, she trusts her mother fully and she is willing to accompany her mother today.

16. Since the girl has now attained the age of majority and has got married on her own will the marriage cannot be doubted. She is permitted to accompany her mother as per wishes expressed by her.

17. The statements are taken on record and are accepted. The two marriage certificates have also been taken on record.

18. The girl is at liberty to visit her matrimonial home or go back to her matrimonial home as per her wish.

19. The petition is accordingly disposed of.

20. Pending application(s), if any, also stands disposed of.

PRATHIBA M. SINGH, J

AMIT SHARMA, J

NOVEMBER 11, 2024/bsr/sc/rks