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

+ **W.P.(Crl.) 2029/2024**

VINOD

.....Petitioner

Through: Ms. Manika Tripathy, DHCSLC and
Mr. Rony John, Adv. (M:
8943584987).

versus

STATE OF N.C.T OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) with Ms. Priyam Agarwal and
Mr. Abhinav Kr. Arya, Advocates for
State. With Insp. Virender Singh
(Crime Branch).

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

% **20.08.2024**

1. This hearing has been done through hybrid mode.
2. The present writ petition has been filed by Sh. Vinod under Article 226 of the Constitution of India read with Section 482 of the Cr.P.C seeking issuance of a writ of Habeas Corpus for production of his daughter who is stated to be a minor.
3. According to the Petitioner, his daughter was missing from 19th February, 2024 around 10:00 a.m. and the Petitioner suspects that one Shahnoor, son of Jumman Khan was involved in the kidnapping of his daughter. It is further averred by the Petitioner, that he immediately approached the Nangloi Police Station to lodge a complaint but the Police are stated to have instructed the Petitioner to wait for 24 hours presuming that the



minor girl may return within that period. Thereafter, the Petitioner again approached the Nangloi Police Station on 20th February, 2024, on which date, according to the Petitioner, a ‘missing person report’ was registered instead of FIR being registered for the offence of kidnapping. Since no proper investigation is claimed to have been conducted by the Police, the Petitioner has approached this Court with the following prayers:

*“i. Issue a Writ in the nature of Habeas Corpus or any other appropriate Writ to trace the missing daughter K of the Petitioner; and/or
ii. Pass any other order/ orders, which this Hon’ble Court may kindly deem fit and proper in the interest of Justice.”*

4. One of the allegations in the petition is that in the past, the said Shahnoor had allegedly kidnapped and raped the Petitioner’s daughter and a complaint was filed in district Unnao, Uttar Pradesh. Subsequently, a case was registered bearing no. **Crime No. 572/2022** under Sections 363, 366 of the IPC read with Sections 3, 4 of the Protection of Children from Sexual Offences (POCSO) Act and Section 3(1)(d) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. However, the said accused Shahnoor was granted bail and the Petitioner had then chosen to relocate to Delhi. The petition also alleges that various threats were received by the Petitioner’s minor daughter on her mobile number prior to her going missing on 19th February, 2024.

5. On 9th July, 2024 the Court directed that the present case be transferred to Anti-Human Trafficking Unit (Crime Branch), Delhi who shall conduct an investigation and file a status report. *Vide* the said order the Court had also directed that waiting period of 24 hours in case of missing children need not



be followed. Pursuant thereto, **Circular No. 8/2024** was issued by the Commissioner of Police wherein the said concern was addressed.

6. *Vide* order dated 16th July, 2024, the Court was informed that the Anti-Human Trafficking Unit Crime Branch Sec. 16, Rohini, Delhi is in the process of constituting the Special Investigation Team for further investigation of the case.

7. An application dated 20th August, 2024 being **Crl.MA...../2024 (to be numbered)** has been handed over in Court today by the Id. Standing Counsel through the Investigating Officer Anti-Human Trafficking Unit (Crime Branch), Delhi stating that the girl in this matter has been recovered and that she has been lodged with the Nirmal Chaya Children Home, Hari Nagar. The said application is taken on record and accordingly, disposed of.

8. A detailed status report dated 20th August, 2024 has also been filed as per which it has been stated that substantial efforts had to be made to trace the missing girl. On the basis of the CDR analysis, raids were conducted on 21st July, 2024 in the area of PS Mohol District Solapur, Maharashtra and thereafter, the girl and the boy Shahnoor had fled from the area. The police has also informed that a chase had to be conducted for more than three hours to recover the missing girl and that on 22nd July, 2024, the girl was finally recovered from the area of Takli Sikander, in the jurisdiction of PS Mohol District Solapur, Maharashtra. The said status report is also taken on record.

9. The suspect could not be traced and the girl helped him in escaping. The status report also states that as per the statement given under Section 164 Cr.P.C., she got married to the suspect in Tunpur, Karnataka and then went to Solapur and from there they went to Pune, and again back to Solapur.

10. The date of birth of the said girl is 11th March, 2007 as per the school



records and 1st January, 2008 as per the Aadhar Card. Even going by the school records, the girl is minor. The girl has been produced before the Court today. The Court has interacted with her in Chamber. The father of the girl is also present. As per the girl, she had voluntarily gone with the boy Shahnoor. Even on an earlier occasion, two years ago, she had eloped with the said boy and was brought back.

11. She states that she had a miscarriage and she is not pregnant. She further informed the Court that she is willing to go with her father and live in the Village where her mother and other siblings live in Bhatiyapur Post Office Sursaini, District Unnao Uttar Pradesh. She further states that she knows *stitching, parlour* work and *mehndi* work and she will keep herself busy in her father's house.

12. Father of the missing girl is also willing to take her back. The missing girl has now been handed over to the father. The father also states that he is receiving threatening messages. The Investigating Officer states that the same has been verified and there are no threats. However, if the father and the girl need any assistance, they are free to contact the Investigating Officer.

13. Today, Mr. Lao, Id. Standing Counsel (Crl.) submits that in the Anti-Human Trafficking Unit (Crime Branch), Delhi there is a severe shortage of staff and there are an increasing number of cases of missing children. There are only six inspectors, which is insufficient. Let the Commissioner of Police look into this issue and take urgent steps in this regard.

14. The present writ petition is disposed of with all pending applications, if any.

15. The next date before the Court shall stand cancelled.

16. The order be supplied to the Commissioner of Police for necessary



information and compliance.

17. Order *dasti* under Signature of the Court Master.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

AUGUST 20, 2024
MR/KS