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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 2189/2024

MR. SARVESH SINGH

.....Petitioner

Through: Ms. Shobhana Aggarwal, Adv. (M:
9660149235)

versus

THE STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Ms Nandita Rao ASC CRL for State
GNCTD with Mr. Amit Peswani, Adv.
(M:9999031918)
Mr. Sanjay Lao, Standing Counsel
(Criminal) with Ms. Priyam Agarwal
& Mr. Abinav Kumar Arya, Advs.
Inspector Sushil, SI Neeraj & SI
Manisha, Crime Branch.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

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07.10.2024

1. This hearing has been done through hybrid mode.
2. The present is a habeas corpus petition filed by the Petitioner seeking production of his daughter who is stated to be missing since 25th May, 2024.
3. It is the case of the Petitioner that his daughter had accompanied one Mr. Karan who is already married and has a child from the said wedlock. However, after she was recovered from Mr. Karan, she again went missing while she was accompanied by her father. Thereafter, she is not traceable.
4. As per the order dated 30th July, 2024, the Court was informed that Karan has already been granted bail vide order dated 18th July, 2024, passed by Id. Special Judge. On 12th August, 2024, when Respondent No.3-Karan was produced in Court he stated that he was in judicial custody when



Petitioner's daughter went missing and that Ms. 'X' is living with one Mr. Siddharth.

5. On the last date of hearing i.e., 12 September, 2024, the investigation in this case was transferred to the Crime Branch, South District, and was directed to be supervised by the concerned ACP. Earlier the impression was that there was no person by the name Siddharth.

6. Today the girl has been traced and the matter has, therefore, been listed before this Court.

7. A status report dated 6th October, 2024 has been filed as per which the PS, Neb Sarai, New Delhi has been able to trace the missing girl from Sunny Khara, Gurugram. The girl was living with her friend-Mr. Siddharth Kumar Dass. She was medically examined and her counselling was also done. The statement of the girl under Section 183 of the Bharatiya Nagarika Suraksha Sanhita, 2023 was recorded before the Id. JMFC, Saket Court, New Delhi. The said status report is taken on record.

8. This Court has perused the counsellor's report as well and has also interacted with the girl, Mr. Siddharth and the Petitioner.

9. Considering the overall facts, this Court is of the opinion that the girl does not wish to accompany her father. She is 25 years of age and has already completed her MA and is presently preparing for the competitive examinations. She has various apprehensions in accompanying her father and is voluntarily willing to go with Mr. Siddharth with whom she has been living.

10. Under these circumstances, the girl being a major, she is permitted to accompany Mr. Siddharth with whom she states that a small marriage



ceremony has already been conducted in a *Mandir* at Mandir Marg. They are free to solemnize their marriage in accordance with law.

11. The boy-Mr. Siddharth has assured this Court that he will take whatever steps possible to build back the relationship between the girl and her family. The current address, where they are living as also the mobile number of the girl, and, the mobile number of Mr. Siddharth has been given to the father of the girl who is free to contact his daughter on the said number. Siddharth has also assured the Court that he would not stop the father, girl's siblings or her mother and other family members from talking to the girl. If he changes the address he shall apprise the girl's father of any updated address where they will be residing. The Petitioner-father shall not extend any threat to either the girl or to Mr. Siddharth.

12. The police authorities shall not harass the girl or the boy in any manner.

13. The petition is disposed of in these terms. All pending applications are disposed of.

PRATHIBA M. SINGH, J

AMIT SHARMA, J

OCTOBER 07, 2024

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