



2024:DHC:67-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: 04.01.2024***+ **W.P.(CRL) 3255/2023****DEVENDER SHARMA**

..... Petitioner

Through: Mr.Deepak Rana, Mr.Surender Gupta
& Mr.Aditya Gaur, Adv. with
petitioner in person.

versus

STATE NCT OF DELHI & ORS.

..... Respondents

Through: Mr.Sanjay Lao, Standing Counsel
(Crl) with Ms.Priyam Agarwal &
Mr.Abhinav Kr. Arya, Adv.
Insp.Gaurav Kumar PS Bhalswa
Dairy.

CORAM:**HON'BLE MR. JUSTICE SURESH KUMAR KAIT****HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. Present petition has been filed as Habeas Corpus under Article 226 of the Constitution of India read with Section 482 Cr.P.C. seeking directions to the respondents to produce missing son of the petitioner.
2. The petitioner is aggrieved by the fact that on 22.06.2022, petitioner's son, who was working in the Jaquar Company at Bhiwadi reached his house at Delhi and subsequently went missing from there and did not come back. Since then, his mobile phone is also switched off. Petitioner has



apprehension that respondent no.3/wife of missing son is behind his disappearance.

3. On 05.08.2022, petitioner had filed a complaint about his missing son to the SHO, PS Bhalswa Dairy. Thereafter on 12.08.2022, petitioner filed another complaint to the DCP, North District with the same grievance but no satisfactory response was given and according to him, the police has not made any effort to find out the whereabouts of his missing son. Thereafter, petitioner moved an application under Section 97 of Cr.P.C. before the concerned learned Metropolitan Magistrate. However, the same was dismissed vide order dated 12.04.2023 on the ground of lack of territorial jurisdiction. Being aggrieved, petitioner filed revision petition before the learned Additional Sessions Judge but the same was dismissed as withdrawn vide order dated 21.08.2023.

4. Mr.Sanjay Lao, learned Standing Counsel has placed before this Court the latest status report dated 04.01.2024.

5. We have perused the same and the same is taken on record.

6. As per the status report, the respondent/State tracked the phone location of the missing person which indicates that the petitioner left Delhi on 20.06.2022 for Bhiwadi, Rajasthan where he was working and thereafter on 22.06.2022 from Bhiwadi he went to Patna and thereafter to Begusarai, Bihar.

7. As per such status report, from Bhiwadi, Rajasthan, such son came to Delhi on 22.06.2022 and from Delhi, he went to Patna by air and thereafter Begusarai. Thus, the son of the petitioner has gone missing either from Bhiwadi or from Begusarai. Therefore, this Court has no jurisdiction, though fact remains that as per the earlier directions of this Court, best efforts were



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made by the respondent/State, but there was no clue about the whereabouts of said missing person.

8. Viewed thus, we hereby dispose of the present petition by giving liberty to the petitioner to approach appropriate forum/authority either at Bhiwadi, Rajasthan or Begusarai, Bihar for requisite action.

9. With directions as aforesaid, the petition is disposed of.

(SURESH KUMAR KAIT)
JUDGE

(MANOJ JAIN)
JUDGE

JANUARY 04, 2024/ab