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

+ **W.P.(CRL) 2280/2024**

PAWAN KUMAR

.....Petitioner

Through: Mr. R.L. Chowdhary, Adv. for
petitioner no.1 alongwith
Petitioner No.1 alongwith his wife in
person.

Mr. Pradeep Kumar Arya, Mr. Aditya
Kumar Yadav, Mr. Prateek Chhikara,
Mr. Gaurav Chaudhary, Mr. Arpit
Bamal & Mr. Chitvan Sharma, Adv.
for petitioner no.2 and 3 alongwith
petitioner no.2 in person.

versus

**STATE OF NCT OF DELHI THROUGH ITS
SECRETARY & ORS**

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) for the State with Ms. Priyam
Aggarwal & Mr. Abhinav Kr. Arya,
Adv.

Insp. Virender Kumar, HC Anuj &
W/HC Sukanya, AHTU Crime, Rohini
Delhi.

The girl and boy in person.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

% **13.09.2024**

1. This hearing has been done through hybrid mode.
2. The present petition under Article 226 of the Constitution of India read with Section 482 of the CrPC has been filed on behalf of the Petitioner-Mr. Pawan Kumar, who is a resident of Himachal Pradesh, seeking issuance of a



writ in the nature of *habeas corpus* to produce his daughter, who is studying B.Sc, Zoology (Hons.) in Hansraj College, University of Delhi.

3. The case of the Petitioner is that the parents were informed by the girl on 24th July, 2024 that she would be taking a bus from Delhi in the night to travel to Himachal Pradesh. However, when the girl's mother tried to contact her at around 09:45 PM in the night, her phone was switched off, and all efforts to contact her, even through her friends, roommates and flatmates went in vain.

4. *Vide* order dated 30th July, 2024, notice was issued to all the Respondents, including the four friends of the missing girl, the boy's grandmother, boy's sister as also the boy *i.e.*, Respondent Nos. 6 to 12. The Court on 1st August, 2024, observed that the Respondent Nos. 9 to 12 are not required to be impleaded in the present petition as they have no role to play in the disappearance of the girl. The relevant portion of the order reads as under:

*“15. The Court is of the opinion that Respondent Nos. 9 to 12 are not required to be impleaded in the present petition have had no role to play in the disappearance of the girl, accordingly, they are deleted from the array of parties. If, however, the missing girl or boy contacts them, they agree to provide the information to the sister of the boy *i.e.*, Respondent No. 8 who may then transmit the same to the Police.*

16. The Police, and the Petitioners or the family members of the girl shall not contact the friends of the girl anymore or level any allegations against them. Henceforth, both the family of the girl and the boy shall work together to trace the boy and girl, so



that their safety and security is not compromised in any manner.

17. The Police shall continue to conduct the investigation and file a fresh Status Report by the next date of hearing.

18. From the facts gathered, it is clear that even the grandmother and sister are concerned about the whereabouts of the boy and the grandmother has herself filed a complaint before Noida Police. Therefore, it is deemed appropriate to transpose Respondent Nos. 7 and 8 as Petitioners in this matter. Let a fresh memo of parties be filed by the next date of hearing.”

5. Thereafter on 22nd August, 2024, this Court was informed that certain critical information had been provided by the sister of the missing boy regarding his whereabouts to the concerned IO. The Court had then directed the Ministry of Electronics and Information Technology (“MeitY”) to contact the concerned personnel of Reddit Inc. in India for obtaining the details of the posts, which the missing boy and girl appear to have uploaded on the Reddit platform. Relevant portion of the order has been extracted below:

“3. Further, an additional status report dated 22nd August 2024 has been handed over in Court today stating that queries given to Reddit Inc. have gone unanswered, and a reminder has also been sent. Reddit is an established social media application, which is used extensively worldwide as also in India. As per the prevalent laws, it ought to have appointed a Grievance Officer in terms of Rule 3(2) Information Technology (Intermediary Guidelines and Digital Media Ethics) Rules, 2021.



4. *Considering, the fact that Reddit has not responded to the queries of the concerned authorities in this matter, in which an attempt of the Court is to trace the missing girl and boy, the Department of Telecommunications (“DoT”) and Ministry of Electronics and Information Technology (“MeitY”) shall contact concerned personnel of Reddit in India, and obtain details of the posts, which the missing boy and girl appear to have uploaded on the Reddit platform.*

5. *For the said purpose, Reddit’s officials may contact the concerned IO in the present case i.e., SI Sahil, PS Karol Bagh (M:7838282790) or Mr. Sanjay Lao, Id. Standing Counsel for the State (M:9818166809).”*

6. Despite all the steps that were taken, the girl and boy could not be traced. Accordingly, on 4th September, 2024 this Court after observing that considerable time has lapsed, directed the Investigating Officer to transfer the case to the Crime Branch, Delhi Police. Relevant portion of the order has been set out below:

“6. After perusing the status report, this Court is of the opinion that considerable time has been lapsed and no progress has been made in the investigation of the instant case.

7. Accordingly, let the investigation be transferred to the Crime Branch, Delhi Police as the last location of the girl and boy appears to be in the State of Tamil Nadu and Puducherry.

8. The Investigating Officer is directed to transfer the Police file along with the entire record and any other information which may be relevant or



received by him to the concerned Officer of Crime Branch within 48 hours from today.

9. The Crime Branch shall look into the matter seriously and conduct diligent investigation and make an endeavour to produce the girl and boy.

10. Officer of the rank of ACP shall supervise the investigation with a special team.

11. Let a status report be filed by the Crime Branch regarding the steps to be taken by them to trace the couple by the next date of hearing.

12. In addition, MeitY shall direct Reddit Inc to provide the details of the grievance officer in India along with the contact details and email address on its website so that if any law enforcement agency needs to contact them, the details of the concerned grievance officer is available.”

7. *Vide order dated 10th September, 2024, the Court observed that the officials at Google LLC shall ensure that whenever any further requests are made, the information sought by the police or any law enforcement agency in relation to this case, shall be provided by them. The matter was then adjourned to 24th September, 2024.*

8. The matter has been mentioned today by Mr. Sanjay Lao, learned Standing Counsel, and an application bearing no.***Crl. M.A. /2024(to be numbered)*** has been handed over in Court seeking early hearing. Learned Standing Counsel submits that both the girl and boy have been traced in Lucknow. The status report dated 13th September, 2024 has been, handed over in Court setting out all the steps that were taken to trace the missing girl and boy. The said application and status report has been taken on record. From the status report, it is stated that continuous raids were conducted in various



areas in Tamil Nadu and in Pondicherry for a period of 6 days, during which a lead was received that they were present Lucknow. Accordingly, the team then reached Lucknow, UP and in the area of Gomti Nagar, Lucknow, both of them were traced and were detained. They also did not cooperate with the police and repeatedly changed their versions.

9. Today, the girls's family i.e., parents, brother, some extended family as also the grandmother and aunt/uncle of the boy are present. The girl and boy have also been produced. The Court has had a chamber interaction with all of them. The family members and the girl and boy were given sufficient time in a separate room to interact with each other. They met and discussed amongst themselves for more than three hours.

10. The girl has not alleged any sexual assault against the boy or any other person. The family of the girl is present, the grandmother of the boy is also present. The girl is willing to go back with her family to Himachal Pradesh. She has also sought a medical checkup with a doctor. The same has been arranged in the Medical Centre in the High Court itself and she has been given medical advice. She has then accompanied her parents. Insofar as the boy is concerned, at this stage he submits that he would be going back to Lucknow. He has also assured the Court that he would stay in touch with his grandmother and his sister.

11. In view of the above, no further orders are called for in this writ petition.

12. The petition is disposed of. Pending application(s), if any, are also disposed of.

13. The Court would like to place on record its appreciation to the invaluable assistance that has been given and the work that has been undertaken by Inspector Virender Kumar, HC Anuj and W/HC Sukanya of



AHTU, Crime Branch, Rohini, Delhi as also to the IO, SI Sahil, PS Karol Bagh, Delhi Police, for the incessant efforts in tracing out the girl and the boy.

14. Next date of hearing shall stand cancelled.

PRATHIBA M. SINGH, J

AMIT SHARMA, J

SEPTEMBER 13, 2024

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