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

+ **W.P.(CRL) 2304/2024**

HALIMA & ANR.

.....Petitioners

Through: Mr. Harshit Shishodia, Mr. Vishal Chauhan, Mr. Shivam Kumar and Ms. Tarannum, Advocates (M 9997329766).

versus

STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel (Crl.) for the State with Ms. Priyam Agarwal & Mr. Abhinav Kumar Arya, Advocates.
Insp. Sandeep, P.S. Bhajan Pura.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

% **02.08.2024**

1. This hearing has been done through hybrid mode.
2. This is a petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking writ in the nature of *Habeas Corpus*.
3. This petition was filed on the premise that Petitioner No. 1-Ms. Halima and Petitioner No. 2-Ms. Nisha, seek production of Shahrukh (Grandson of Petitioner No.1) and Tarun @ Golu (Son-in-law of Petitioner No. 2).
4. In the present petition, several allegations are made against the police officials that Mr. Shahrukh and Mr. Tarun @ Golu have been illegally arrested. Further it is also alleged that some family members including children and women were also arrested and the police officials had

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misbehaved with the ladies.

5. The Court had, on the basis of the allegations made in the petition, *vide* the last order dated 31st July, 2024, called for an urgent status report and listed the matter for today.

6. A status report dated 2nd August, 2024 has been placed by Mr. Sanjay Lao, Standing Counsel, (Criminal) for the State, and the same is taken on record. The said status report reveals a completely different factual scenario.

7. A perusal of the status report shows that the Police was investigating the murder of a person by the name-Prem Chaudhary @ Sumit who is in the same neighbourhood and the allegation is that the Petitioners' grandson, namely, Sameer Khan, was involved in the said murder which took place on 10th July, 2024. Thereafter, **FIR No. 453/2024** was registered at PS Bhajan Pura, Delhi on 11th July, 2024 under section 103(1) of BNS.

8. During the investigation of the said murder the uncle of Mr. Sameer Khan namely, Shahrukh and his brother in law-Mr. Tarun @ Golu were approached and they accompanied the Police to trace Mr. Sameer Khan. In fact, two other women *i.e.*, Mrs. Ashu and Mrs. Shayna @ Lali, who are part of the family were also found in the CCTV footage harbouring the accused, which also revealed the location of the accused. The two women were arrested on 24th July, 2024 under Section 249 (a) BNS and were released on bail and surety bonds were given by Mr. Shahrukh for Mrs. Shayna @ Lali. The accused, Sameer Khan, was further arrested on the intervening night of 30th -31st July, 2024 as per the status report.

9. It has been told to the Court that Petitioner No. 1-Ms. Halima is the maternal grandmother/*Nani* of the accused Sameer Khan. None of these facts are disclosed in the petition, while making reckless allegations were made



against the Police Officials.

10. At this stage, ld. Counsel for the Petitioners confirm that both the concerned individuals for whom this petition has been filed, have reached home.

11. Ld. Counsel for the Petitioners, under instructions of Ms. Aashu, who is one of the persons who was arrested, now submits that he wishes to withdraw the allegations made in the present petition.

12. In view of the above, no further orders are required to be passed.

13. Ld. Counsel also undertakes that none of the allegations which are set out in the present petition shall be pressed by the Petitioners.

14. The present petition is dismissed as withdrawn and disposed of accordingly.

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

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

AUGUST 02, 2024/bsr/pr/ks