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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 2427/2024

BIMLA DEVI

.....Petitioner

Through: Ms. Prabhsahay Kaur, Mr. Bhuvan
Ribhu, Mr. Suraj Kumar, Mr. Arani
Chaudhury, Ms. Ananya Sahu & Ms.
Palak Mathur, Advs.

versus

STATE OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Crl) with Ms. Priyam Agarwal and
Mr. Abhinav Kumar Arya, Advs. with
Insp. Mahender Lal PS AHTU/Crime
Branch.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

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13.09.2024

1. This hearing has been done through hybrid mode.
2. The present petition has been filed on behalf of the Petitioner- Bimla Devi under Article 226 of the Constitution of India seeking issuance of a writ of *habeas corpus* for the production of her niece before this Court who is stated to be a 13 year old minor.
3. According to the Petitioner, the girl child went missing from her house in Village Nangli Puna, Near Jat Chaupal, North West Delhi, on 5th July, 2024. Subsequently, on the said date itself, the Petitioner went to P.S. Swaroop Nagar and an FIR bearing No. 0331/2024 was lodged. However, the said girl child could not be found. Hence, the present petition.



4. On 12th August, 2024 a status report had been filed, as per which, the girl child, who is otherwise a resident of Gazipur, Uttar Pradesh, had been sent to her aunt's house in Delhi by her parents. This is stated to be done in view of certain issues for the child's safety due to some relationship which she had developed with a boy. However, the girl went missing from there on 5th July, 2024. Further, on the said date, the Court directed for the child to be produced on the next date of hearing.
5. On the last date of hearing *i.e.*, 29th August, 2024 a status report dated 28th August, 2024 was filed, which revealed that despite various steps being taken, the girl child could not be traced and one boy by the name Mr. R , who is stated to have contacted the girl child, could also not be traced. The investigation was then handed over to the Anti-Human Trafficking Unit ('AHTU'), Crime Branch with a direction to produce the missing girl on the next date of hearing.
6. Today, a status report has been filed, as per which, the girl has been traced. She has been produced before the Court. The Court has had an in-chamber interaction with the girl as also her father.
7. As per the status report, both the girl and Mr. R who is stated to be of 17 years and 8 months, have been brought to Delhi. Medical examination of the girl has taken place. Statement of the girl per Section 183 of the Bhartiya Nagarik Suraksha Sanhita, 2023 has been recorded, as per which, the girl has informed that she lived with the boy as his wife on her own free will.
8. During the in-chamber interaction, the girl has stated that she is aged 13 years plus and has been living with Mr. R in Ganesh Nagar, Palghar, Maharashtra. It is further stated by the girl that she has no grievance against her family. She had taken away her uncle's mobile phone so that she could be



in touch with the boy and thereafter, she voluntarily met him in Mumbai, where she went by train.

9. The case has been registered. Considering the fact that the girl is a minor, she has been handed over to the father today.

10. In view of the age of the girl and the manner in which she left her home, it is deemed appropriate to direct that she be given counselling in the One Step Center which has been established by the Delhi Government, at least twice a month for the next six months.

11. The present order be communicated to the One Stop Centre through the concerned IO. The concerned Investigating Officer shall also be in touch with the father and also periodically check about the counselling being given to the girl in a proper manner.

12. The petition is disposed of in the above terms.

PRATHIBA M. SINGH, J

AMIT SHARMA, J

SEPTEMBER 13, 2024/dk/rks/pr