



\$~38

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(CRL) 2448/2024

AALAY HASAN

.....Petitioner

Through: Mohd. Rashid, Mr. Shabahat Hussain
& Ms. Shafia, Advocates.

versus

THE STATE OF NCT OF DELHI AND ORSRespondents

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

The missing boy, Sadiq in person.
Insp. Ina, AHTU, Crime Branch.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

%

29.08.2024

1. This hearing has been done through hybrid mode.

CRL.M.A...../2024 (to be numbered)

2. On special mentioning, an application has been filed by the State informing the Court that the missing boy, Mr. Sadiq in **W.P.(CRL) 2488/2024** has been traced. The said application has been accepted and the matter is listed before the Court today.

3. Registry is directed to assign a number to the said application and dispose of the application.

W.P.(CRL) 2448/2024

4. The present writ petition has been filed on behalf of the Petitioner- Mr. Aalay Hasan under Article 226 of the Constitution of India read with Section



528 of the BNSS seeking issuance of a writ in the nature of *Habeas Corpus* for production of his younger son who is missing since 24th July, 2024.

5. It is stated that the Petitioner is a resident of House No. K-477, Gali No. 4, Gangotri School Wali Gali, Buddha Bazar Road, Gautam Vihar, Ghonda, Delhi-110053. Further, the Petitioner is a father of two children, namely Mr. Rashid Hasan and Mr. Mohd. Sadiq.

6. It is further stated that on 22nd July, 2024 some police officials from Rampur Uttar Pradesh, visited the Petitioner's residential colony and showed a photograph of some person to the younger son of the Petitioner, namely, Mr. Mohd Sadiq. Further, the police officials made certain enquiries from Mr. Sadiq about the person, whose photograph had been shown. Accordingly, Mr. Sadiq, while extending full cooperation to the police, directed the police officials to the house of the person in the photograph.

7. The case of the Petitioner is that his son, Mr. Sadiq had gone missing since 24th July, 2024 after extending his cooperation to the police officials who came to inquire about the person shown in the photograph.

8. The Petitioner's suspicion was that Respondents Nos. 2 to 6 were involved in the missing status of his son, Mr. Sadiq and hence, a prayer was made for tracing and producing his son.

9. On 13th August, 2024, after hearing the learned Counsel for the Petitioner and Id. Standing Counsel for the State, this Court had passed the following directions: -

"12. Considering the nature of the matter, the investigation of the case is transferred to the Crime Branch, Delhi Police to trace the missing son of the Petitioner-Mr. Mohd. Sadiq.

13. In the meantime, issue notice to Respondents



No. 2 to 6, to be served through SHO concerned for the next date of hearing.

14. The concerned Advocate named in the present petition, i.e., Sh. Firoz Malik, i.e., Respondent no. 2 shall remain present in Court on the next date of hearing.

15. The concerned SHO shall also extend protection to the Petitioner and his family members and stay in regular touch with them so that their safety and security is not compromised and any further information received may be passed on to the concerned IO in the Crime Branch. The number of the SHO concerned is stated to be provided to the Petitioner.

16. The Petitioner is stated to be having certain audio recordings of telephone calls wherein certain persons have allegedly threatened him. Let the same be provided to the concerned Investigating Officer. In addition, the Investigating Officer is permitted to retrieve any CCTV footage from Gate No. 7 of this Court, where Respondent No. 3 is stated to have met the Petitioner's elder son today while he was entering the Court. ”

10. On the last date of hearing, i.e., 21st August, 2024, Id. Standing Counsel submitted that investigation was still continuing and he sought two weeks' time to trace the boy and the matter was thereafter fixed for 12th September, 2024. Today, the matter has been taken up on special mentioning.

11. A status report dated 29th August, 2024 signed by Mr. Arun Kumar Chauhan, ACP (AHTU), Crime Branch has been handed over today by Mr. Sanjay Lao, Id. Standing Counsel for the State. As per the status report the missing boy, Sadiq, has been found. He had appeared in the Police Station with his brother on 25th August, 2024.

12. The missing boy, Mr. Sadiq is present in Court today. On being



questioned by the Court, he states that on 24th July, 2024, on being scolded by his brother, he left the house and went to stay with his friend and some distant relatives and he did not inform his family about his whereabouts. He further states that he wishes to live with his parents and brother now.

13. In view of the fact that the missing boy, Sadiq has been traced and he is now living with his family, no further directions are called for.

14. Accordingly, the petition stands disposed of along with all pending applications, if any. Next date of hearing stands cancelled.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

AUGUST 29, 2024

bsr/sc/bh