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

% ***Date of decision: 08.02.2024***

+ **W.P.(CRL) 3723/2023 & CRL.M.A. 34727/2023**

KARAN

..... Petitioner

Through: Ms. Arudhati Katju with Ms. Shrishti Borthakur, Ms. Ritika Meena and Ms. Parkhi Raj, Advcoates.

versus

STATE (GNCT) OF DELHI

..... Respondent

Through: Mr. Sanjay Lao, Standing Counsel with Ms. Priyam Agarwal, Mr. Shivesh Kaushik and Mr. Abhinav Kr. Arya, Advocates with Insp Sachin Maan and SI Parvesh.

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 respondent to produce missing sister of the petitioner.
2. The petitioner is aggrieved by the fact that on 10.10.2023 at about 7:30 am, her minor sister, aged 17 years, did not return back home from work. Petitioner tried to search her minor sister but it was to no avail.
3. Upon petitioner's complaint, FIR No.870/2023 under Section 363 IPC



at Police Station Shahbad Dairy was registered on 11.10.2023 i.e. after one day of incident. Petitioner has averred that she visited the police station many times but no satisfactory response was given to her and the police have not made any effort to find out the whereabouts of her missing minor daughter till date. Petitioner has apprehension that one Suraj, aged 19 years old has abducted his younger sister.

4. Mr.Sanjay Lao, learned Standing Counsel has produced the missing girl pursuant to order dated 18.12.2023. Her statement under Section 164 Cr.P.C. had already been registered and Suraj Bansal has also been arrested in the FIR No.870/2023 for the offence punishable under Section 363 IPC and thereafter Section 376 IPC and Section 6 of POCSO Act was added.

5. The missing girl, who is a minor aged 17 years old, is present in Court and submits that she is willing to go with her mother who is also present in Court and her mother is also willing to take the custody of her said daughter.

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

7. Pending application, if any, stands disposed of.

8. The date already fixed i.e. 13.02.2024 stands cancelled.

(SURESH KUMAR KAIT)
JUDGE

(MANOJ JAIN)
JUDGE

FEBRUARY 08, 2024/ab