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

+ **W.P.(CRL) 2819/2024**

SHAHBUDDIN

.....Petitioner

Through: Mr. Chaitanya Gosain & Mr. R. L. Sinha, Advs.

versus

STATE (NCT OF DELHI) THROUGH SHO & ANR.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Criminal) with Ms. Priyam Agarwal
& Mr. Abinav Kumar Arya, Advs.
SI Mohd. Ayub, PS Jafrabad

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

% **11.09.2024**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner under Article 226 of the Constitution of India read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking issuance of a writ in the nature of *habeas Corpus* for production of the 35 year old son of the Petitioner who is stated to be missing since 23rd June, 2024.
3. The case of the Petitioner is that his son-Mr. Rizwan had left the house at about 7:30 pm on his motorbike without informing anyone, and that the Petitioner's son has been missing since then.
4. The Petitioner claims to have approached the Police Station- Jafrabad on 25th June, 2024 and lodged a complaint to trace his missing son. Hence this petition.



5. On a query from the Court, Id. Counsel for the Petitioner submits that the missing son is married and he also has two children. It is further submitted by the Id. Counsel that the family of the missing son-Mr. Rizwan is staying in the same premises as that of his parents.

6. On behalf of the State - Mr. Sanjay Lao, Id. Standing Counsel has handed over a status report dated 11th September, 2024 authored by Insp. Surender Kumar, SHO, PS Jafrabad, and the same is taken on record. As per the same, various enquiries were made with the neighbours, friends and relatives of the missing person and steps were taken to trace him at various bus stations and railway stations etc., as also through the electronic media.

7. It is also stated that the CDR of the mobile number of Mr. Rizwan was analysed and on the basis of the last contacted number, it has been revealed to the police that Mr. Rizwan is alleged to have taken a sum of Rs. 7.5 lakhs as 'Pagdi' in respect of a property that is not owned by Mr. Rizwan, and has thereby deceived the said person.

8. In addition, Mr. Lao, Id. Standing Counsel has also produced a complaint dated 27th April, 2024 given by the Petitioner himself to the police making various allegations against the missing son and the daughter-in-law *i.e.*, Rizwan and his wife. The conclusion of the said complaint is that the Petitioner and his wife have disowned their allegedly missing son and daughter-in-law. The same has also been published by the Petitioner in *Rashtriya Sahara* newspaper on 19th April, 2024.

9. Considering that there is no mention of the aforesaid complaint or the act of disownment of Petitioner's missing son in the petition, the Court is of the opinion that under such circumstances, the son of the Petitioner may have deliberately left his home on his own volition.



10. The Petitioner ought to have disclosed the aforesaid correct facts in this petition. In the considered opinion of this Court, in view of the fact that the Petitioner himself has disowned his son- Mr. Rizwan, the present petition would not be maintainable.

11. The police would, however, continue with the investigation in accordance with the law and if the Petitioner's son is traced, the information shall be communicated to the Petitioner.

12. The petition is disposed of in above terms.

13. Pending application(s), if any, also stand disposed of.

PRATHIBA M. SINGH, J

AMIT SHARMA, J

SEPTEMBER 11, 2024

dj/ms/Pc