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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of Decision: 4th October, 2024***+ **W.P.(CRL) 3053/2024****MEENAKSHI**

.....Petitioner

Through: Mr. Shannu Baghel, Advocate.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel
(Criminal) with Ms. Priyam Agarwal
& Mr. Abinav Kumar Arya, Advs.
Inspector Rakesh Brar & Inspector
Narender, PS Nangloi.**CORAM:****JUSTICE PRATHIBA M. SINGH****JUSTICE AMIT SHARMA****Prathiba M. Singh, J. (Oral)**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed on behalf of the Petitioner-Meenakshi under Article 226 of the Constitution of India seeking issuance of a writ of *habeas corpus* for production of her sister-in-law, Ms. Anju who is stated to be detained by the Respondent.
3. The case of the Petitioner is that in the intervening night of 28-29th September, 2024, an accident occurred in the jurisdiction of PS Nangloi, due to which a police constable, Mr. Sandeep Malik lost his life. It is stated in the petition that the Petitioner's brother *i.e.*, Dharmendra has been made an Accused in the incident. Further, it is alleged that the wife of the Accused, Ms. Anju was illegally taken into custody by the Police and detained in the police station. Hence, the present petition is filed seeking issuance of a writ



of habeas corpus for production of Ms. Anju and for action being taken against the police officials.

4. On the last date of hearing i.e. 3rd October, 2024 it was submitted by Mr. Bhagel, Id. Counsel appearing on behalf of the Petitioner that Ms. Anju had reached home on 30th September, 2024 itself. The Court thereafter, to ascertain the whereabouts of Ms. Anju as also the allegations made by the Petitioner on the concerned police officials, directed that the CCTV footage of the concerned police station of the dates 28th/29th September, 2024, which was earlier directed to be preserved, be submitted to the Court Master. Further, the Court directed the Petitioner as also Ms. Anju to be present in Court today. The relevant portion of the order dated 3rd October, 2024 is extracted hereunder:

“7. Today, Mr. Bhagel, Id. Counsel appears on behalf of the Petitioner and submits that the Petitioner Ms. Meenakshi is suffering from fever. He further submits that Ms. Anju had reached back home on 30th September, 2024 at around 03:00-04:00 pm.

8. Mr. Sanjay Lao, Id. Standing Counsel also raises a serious objection, that even on 1st October, 2024 when the matter was listed before a Id. Single Judge in pre-lunch session, it was not submitted to the Court that the lady Ms. Anju, whose production has been sought, had already returned home the day before i.e., 30th September, 2024.

9. Ms. Reena, who is another sister of the Accused, is present in Court today along with her niece (who is the daughter of the Accused-Dharmendra).

10. Let the CCTV footage of the concerned police station of 28th/29th September, 2024, which was directed to be preserved, be submitted to the Court Master.

11. The Petitioner-Ms. Meenakshi as also, Ms. Anju



are directed to remain present in Court tomorrow.

12. List for hearing on 4th October, 2024.”

5. Today, the Petitioner and the alleged missing person-Ms. Anju, who is the wife of the accused Dharmendra, are present in Court. The lady Ms. Anju, i.e., the wife of the Accused submits that she had reached home on 30th September, 2024 but did not communicate the same to her Counsel on 30th September, 2024.

6. This Court notices that the Petitioner has made various allegations against the concerned SHO and the police officials. The CCTV footage which has been filed shows that some of the family members of the Petitioner are entering and leaving the police station multiple times and there is no indication of any forced coercion or duress against them. Ms. Anju is not visible in the said footage.

7. In the opinion of this Court, Id. Counsel ought to have informed the Id. Single Judge on 1st October, 2024 itself as also this Division Bench thereafter, that Ms. Anju had already reached her residence on 30th September, 2024, itself even as per her own version.

8. Mr. Bhagel, Id. Counsel appearing on behalf of the Petitioner as also the Petitioner and the family of the accused is warned not to file such baseless and untenable petitions making reckless allegations against the police officials. Id. Counsel for the Petitioner ought to have informed the Court of the proper facts and the chronology of events.

9. Even the video which was perused by the Court on 1st October, 2024 showed that Ms. Anju had reached the police station at 1:10 p.m on 29th September, 2024.



10. In the opinion of this Court, the focus of the investigation ought to be maintained on the death of the young constable and such diversionary tactics by the family of the accused ought not to be heeded to.

11. Ld. Counsel submits that the allegations made by the Petitioner against the police officials are not being pressed. Ld. Counsel for the Petitioner submits that he would like to withdraw the present petition.

12. In view of the fact that the alleged missing lady is actually not missing, no further orders are called in this petition.

13. The petition is dismissed as withdrawn and disposed of accordingly.

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

PRATHIBA M. SINGH
JUDGE

AMIT SHARMA
JUDGE

OCTOBER 04, 2024
dj/rks/Pc