



\$~64

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(CRL) 3120/2024

SANJEEV KUMAR

.....Petitioner

Through: Mr. Amit Kumar, Advocate along with
petitioner in person.

versus

THE STATE GOVT.OF NCT OF DELHI AND ANR.

.....Respondents

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

SHO/Insp. Rajendra Singh, SI
Mahendra Patel & ASI Deshpal, P.S.
Narela.

The girl in person.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

%

07.10.2024

1. This hearing has been done through hybrid mode.
2. The present writ petition has been filed by the Petitioner- Sanjeev Kumar seeking a writ of *Habeas Corpus* under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for the production of his minor daughter who is stated to be studying in class 12th, Govt. Girls Sr. Secondary School, Banker, Delhi-110040.
3. The minor daughter Ms. 'V', is stated to be 17 years of age. As per the Petitioner/father, a boy by the name of Sandeep had unlawfully enticed the girl, Ms. V and took her away from her family.
4. The matter is listed today and a status report dated 7th October, 2024 has been filed, as per which the Police have been able to trace the girl. The said status report is taken on record.



5. After the recovery of the girl, the police intimated the Petitioner regarding the same. The girl expressed her unwillingness to accompany her father and therefore, she was temporarily placed under the care of a child welfare centre namely Kasturba Gandhi National Smarak Trust. Her medical examination was also conducted at Satyavadi Raja Harish Chander Hospital, Narela where she gave her statement to the doctor stating that she had gone with the boy- Sandeep of her own free will and not under any duress or coercion.

6. The girl has been produced. Today, the Court interacted with the girl in Chamber. Upon interaction, it has been made clear by the girl that she does not mind going back with her father, however, she does not wish to be forcibly married to anyone. At present, she is 17 years of age and her date of birth is 17th May, 2007. She is presently studying in 12th standard in Government Girls Senior Secondary School, Bankner.

7. As per the Investigating Officer, the boy-Sandeep has not been traced so far. Be that as it may, the father is willing to accept the daughter back in his home and the girl is also willing to go back home. The Petitioner has assured the Court that he would not make any attempt to forcibly marry off the girl. The girl has also assured the Court that she would pursue her education and complete her 12th Standard studies.

8. In view of the aforesaid, the girl being a minor has been handed to the custody of her father. The petition is disposed of.

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

PRATHIBA M. SINGH, J

AMIT SHARMA, J

OCTOBER 07, 2024/bsr/sc/ks