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

+ **W.P.(CRL) 1348/2025 & CRL.M.A. 12657/2025**

RAKESH

.....Petitioner

Through: Mr. Dinesh Malik, Advocate from
DHCLSC.

versus

**STATE THROUGH SHO PS VIJAY
VIHAR & ORS.**

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) with Mr. Abhinav Kr. Arya and
Mr. Aryan Sachdeva, Advocates with
W/S.I. Neha Khatri, P.S. Vijay Vihar.
Ms. Pushplata Shokinda, Authority
Superintendent, CHG Nirmal Chhaya

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN

SHANKAR

ORDER

08.05.2025

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1. By way of the present Writ Petition filed under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagrik Suraksha Sanhita, 2023, the Petitioner prays for issuance of a writ in the nature of *habeas corpus* for a direction to be issued to the Respondents to trace and produce the daughter of the Petitioner, who is stated to be missing from Nirmal Chhaya, since December, 2024.

2. It is stated in the Writ Petition that the Petitioner's daughter left her home on 15.07.2024. FIR No.262/2024 was registered at Police Station Vijay Vihar, Rohini on 18.07.2024 for an offence under Section 137(2) of the BNS, 2023. It is stated that the Petitioner's daughter was retrieved in September, 2024 and she was kept in Nirmal Chhaya from where she again went missing.



3. *Vide* Order dated 28.04.2025, this Court had issued notice to the Respondents and had also directed the officials of Nirmal Chhaya to remain present in Court.

4. The officials from Nirmal Chhaya are present in Court today. It is stated that after the girl was kept in Nirmal Chhaya, she was handed over to her father i.e. the Petitioner on 17.09.2024, meaning thereby there is a mis-statement in the Writ Petition wherein, the Petitioner has stated that his daughter went missing from Nirmal Chhaya.

5. Be that as it may, the daughter of the Petitioner has been retrieved and has been produced before the Court. We have interacted with the girl. She states that she wants to marry a boy, however, her father and other family members are against her marriage. The girl expressed her desire to go back with her father i.e. Petitioner herein provided the Petitioner/father of the girl does not force her to marry somebody else against her wish.

6. The Petitioner/father of the girl is also present in Court today. He states that he will not get his daughter married to somebody else against her wishes.

7. Since the daughter of the Petitioner has been traced and she is ready to go with the Petitioner, nothing survives in the instant Writ Petition.

8. With these observations, the Writ Petition is disposed of, along with the pending applications, if any.

SUBRAMONIUM PRASAD, J.

HARISH VAIDYANATHAN SHANKAR, J.

MAY 08, 2025

RJ