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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 3327/2024

GUDIYA DEVI

.....Petitioner

Through: Mr. Kanack Pandey & Mr. Ravi
Ranjan, Advs.

versus

THE STATE OF NCT OF DELHI & ORS.Respondents

Through: Mr. Sanjay Lao, SC with Ms. Priyam
Aggarwal with Meenakshi, SI, AHTQ,
Crime.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE DHARMESH SHARMA

ORDER

% **03.02.2025**

1. This hearing has been done through hybrid mode.

CRL.M.A. / 2025 (To Be Numbered)

2. The present application has been moved on behalf of the State seeking listing of the present petition pursuant to the directions passed by the Court on the last date of hearing *i.e.*, 8th January, 2025.
3. The matter has been mentioned today and it is submitted that the missing girl has been traced.
4. Considering the above, the application is allowed and disposed of. The matter has been directed to be listed before the Court today.
5. The Registry is directed to number the present application.

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6. The present petition has been filed by the Petitioner- Gudiya Devi, under Article 226 of the Constitution of India, read with Section 528 of BNSS, 2023 seeking issuance of a writ in the nature of *habeas corpus* for production of her minor daughter - Ms. 'N', who is stated to be 17 years of age.



7. On 8th January, 2025, considering the status of the investigation the Court had passed certain directions and transferred the investigation to the AHTU, Crime Branch. The relevant portion of the said order is reproduced hereunder:

“6. This Court is of the opinion that firstly, the bank account of the missing girl deserves to be frozen as she is continuously withdrawing sums from the said account and is choosing not to appear before this Court. Secondly, certain further verifications are required to be done in order to trace the location of the girl through online platforms and other intermediaries.

7. Accordingly, the investigation is transferred to the AHTU Crime Branch. The present IO shall hand over the entire record to the AHTU Crime Branch. The AHTU shall take steps for immediate freezing of the bank account being used by the missing girl as it is possible that the amounts may be misused. Mr. Lao in fact submits that the girl had earlier received compensation of Rs. 2 lakhs in another FIR and it is such amount that may be in her account.

8. Upon the girl being traced, the AHTU Crime Branch shall produce her before this Court. List on 10th February, 2025.”

8. Today, the missing girl has been produced and the mother of the girl *i.e.*, Petitioner, is also present before the Court. The Court has interacted with them in the Chamber. It has been revealed from the interaction held with them that the missing girl had left her house in Delhi on 23rd August, 2024 and had gone to Samastipur, Bihar to her cousin sister's place. Since then, she had been living with the said cousin sister.



9. Further, the missing girl has expressed that she does not wish to continue formal education, however, she is willing to learn stitching, cooking or other skills including beauty parlour services. On a query from the Court, the girl has informed that she would be willing to accompany her mother.

10. As mentioned above, the matter was transferred to the AHTU, Crime Branch *vide* order dated 08th January, 2025 as the girl had not been traced. A status report dated 3rd February, 2025 has been handed over in Court and the same is taken on record. Further, the concerned Investigating Officer, Ms. Meenakshi, SI, AHTU, Crime Branch, has also appeared and states that the missing girl was traced to her cousin sister's place when she had made a phone call to her mother from the said location. The said phone call was thereafter traced back to the location of the said cousin sister at Samastipur, Bihar.

11. Considering the above as also the fact that the girl is eighteen years of age, the girl - Ms. N is permitted to accompany her mother *i.e.*, the Petitioner as per the wishes expressed by the missing girl.

12. The concerned Investigating Officer shall ensure that Ms. N is appropriately counselled by a counsellor in respect of any vocational training the girl would be willing to pursue.

13. The petition is disposed of. All pending applications, if any, are also disposed of.

14. The next date of hearing *i.e.*, 10th February, 2025 stands cancelled.

PRATHIBA M. SINGH, J

DHARMESH SHARMA, J

FEBRUARY 3, 2025/Ch/ms