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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 4061/2024**

GANGA KUMARI

.....Petitioner

Through: Mr. Virendra Singh, Adv.
(M: 8588865322) with Petitioner in person.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, SC (Crl.) with Ms. Priyam Agarwal and Mr. Abhinav Kr. Arya, Advs. with Insp. Pramod Kr. and SI Chetan, PS-AHTU/Outer North District.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

ORDER

% **04.03.2025**

1. This hearing has been done through hybrid mode.
2. The present petition under Article 226 of the Constitution of India read with Section 528 of BNSS has been filed by the Petitioner-Smt. Ganga Kumari seeking issuance of a writ in the nature of *habeas corpus* for production of her husband - Mr. 'S', who is stated to be about 24 years of age. He is stated to be missing since 8th May, 2023.
3. According to the Petitioner, on 8th May, 2023, certain persons, who she suspects, had taken away her husband to an unknown place and thereafter, they have also made ransom calls. The Petitioner had filed a complaint on 26th September, 2023, at P.S. Samaipur Badli to trace and recover her husband. In this regard, an application under Section 156 (3) of CrPC has also been moved by the Petitioner before the concerned Magistrate. Thereafter, a FIR being **FIR No. 720/2023**, under Section 365 of IPC has also been



registered at P.S. Samaipur Badli.

4. The case of the Petitioner is that she has filed repeated complaints, however, her husband has not been traced till date and repeated demands for money are being made by the suspected individuals. Hence, this petition.

5. On 24th December, 2024 a Status Report dated 24th December, 2024 had been handed over in Court. As per the said report, all the four suspects had been interrogated, however, no fruitful clue has been found. It was further submitted that there are two other F.I.R's which are pending against the Petitioner's missing husband.

6. Accordingly, on the said date, the Court had directed the State to file a status report in respect of the two FIRs that were stated to be pending against the Petitioner's missing husband.

7. On the last date of hearing *i.e.* 10th February, 2025 a status report dated 9th February, 2025 had been handed over in Court which showed that two FIRs were registered against the missing person. **FIR No. 376/2020** dated 14th May, 2022, was registered at P.S. SP Badli under Sections 379/411 of IPC and **FIR No. 300/2022** dated 26th April, 2022, registered at P.S. SP Badli under Section 380 of IPC. The said status report was taken on record.

8. In **FIR No. 376/2020**, the matter was compounded on 18th March, 2023 and the case was disposed of. Further, in **FIR No. 300/2022**, the missing person was released under Section 169 of Cr.P.C. as there was no evidence against him.

9. Further, on 10th February, 2025, allegations were again made against various persons in the locality and the Court had directed the statements of the persons mentioned in the status report dated 24th December, 2024 to be recorded by the AHTU, Outer North District.



10. Today, a Status Report dated 3rd March, 2025 authored by Inspector, AHTU has been handed over to the Court. The same has been taken on record.

11. It is stated in the said status report that the statement of Head Constable Pawan has been recorded. A further FIR being **FIR No. 318/2023** has been registered on 02nd April, 2023 under Section 380 IPC, wherein the missing person has been accused of stealing four mobile phones.

12. It is also mentioned in the said report that Smt. Manju Devi also came to the Police Station and stated that she had seen the missing person going out from her house. The theft allegation was then raised against the Petitioner's husband by Smt. Manju Devi. It is further stated that the concerned Head Constable also tried to trace the missing person but he is not traceable. The Police suspected that he is hiding in view of the various cases, which have been registered against him. The relevant portion of the status report reads:-

“3. During further course of investigation statements of alleged persons namely Dharmender @ Sheru, Pradeep, Karan, Manju Devi and Beat HC Sandeep were recorded on 03.03.2025. During interrogation all the alleged persons mentioned above stated that they are living in Bhagwanpura Jhuggi, Samaipur Badli. They stated that on 02.04.2023 Ramjeet's wife Manju Devi had seen his neighbor Suraj stealing 4 mobile phones from her house. In this regard a case E-FIR No. 318/23 dated 02.04.23 u/s 380 IPC PS Samaipur Badli was registered. The investigation of the case was handed over to HC Pawan Kumar who visited the address of Suraj several times, but no clue regarding the Suraj was found. All the alleged persons claims that Suraj's mother Rekha Devi and wife Ganga Kumari have been harassing them with false accusations of kidnapping Suraj. They all suspect that Rekha Devi and Ganga Kumari might be hiding Suraj somewhere else. Moreover, they stated that Ganga Kumari W/o Suraj



had filed a molestation case FIR No. 628/23 dated 03.07.2023 u/s 452/354/34 IPC PS Samaipur Badli, Delhi against them. Ganga Kumari made false allegations against them. During sustained interrogation all the alleged persons mentioned above stated that they did not visit the address of Rekha Devi and Ganga Kumari on 08.05.2023 as Rekha Devi used to abuse him oftenly, they further stated that they are not familiar with the Police Constable Sandeep. They did not demand any money from Rekha Devi and Ganga Kumari but in lieu of dispose of case FIR No. 628/23 both Rekha Devi and Ganga Kumari demanded Rs. 2 lacs from them. Moreover, Manju Devi stated that her husband Ramjeet is working as truck driver and he had gone for the last 5-7 days and whenever he will come she will inform to join the investigation. (Statement of Dharmender @ Sheru, Karan, Ramjeet and Manju Devi are enclosed). Both Suraj and Deepak are involved in theft cases of PS SP Badli (involvement enclosed) and Deepak is the BC of PS SP Badli.

4. During further investigation statement of HC Sandeep was also recorded who stated that investigation of case FIR No. 376/22 u/s 379/411 IPC PS SP Badli was handed over to him in which the accused person was Suraj. Previous IO HC Devender arrested accused Suraj in the mentioned case. The Chargesheet of the case was filed by him on 27.06.2023. He did not visit the residence of Suraj. He had filed the chargesheet of the case that is why Rekha Devi and Ganga Kumari are making false allegations of kidnapping Suraj against him. Suraj and his brother Deepak both are involved in many cases of theft. Deepak brother of Suraj is the BC of PS SP Badli. He did not demand any money from Rekha Devi and Ganga Kumari. (statement of HC Sandeep is enclosed)

5. During further course of investigation statement of



HC Pawan No. 2220/OND was also recorded who stated that a case FIR No. 318/23 dated 02.04.23 u/s 380 IPC PS Samaipur Badli regarding stolen of 4 mobile phones was handed over to him. During investigation complainant Manju Devi came to police station SP Badli and stated that she had seen Suraj going out from her house. She told that she had suspicion over Suraj for theft of 4 mobile phones from her residence situated at Bhagwanpura Jhuggi. She did not give any written statement in this regard. Moreover, HC Pawan also stated that he had visited several times at the residence of Suraj in Bhagwanpura Jhuggi, but he did not find him. So the untraced report of the mentioned case was filed in the concerned court.”

13. Mr. Sanjay Lao, Id. Standing Counsel submits that the missing person's brother is also a BC ('Bad Character') of the area.
14. The allegation of the Petitioner is that HC Sandeep is the person, who is responsible for confining the Petitioner's husband.
15. Various statements, which have been recorded, have also been placed on record. The statements of Dharmender @ Sheru, Karan S/o Wakil Sahni, Pradeep S/o Umesh Sharma, Manju Devi W/o Ramjeet, HC Pawan Kumar as also HC Sandeep, who was the I.O. of the earlier case, have all been recorded and the statements have been placed on record.
16. Considering the facts disclosed in the status report dated 3rd March, 2025, the present is not a fit case for entertaining the *habeas corpus* petition.
17. In view of the above, let the investigation continue for tracing the husband of the Petitioner and a regular status report be filed before the concerned Magistrate every three months, with intimation to the Petitioner.
18. A copy of today's status report has been supplied to the Id. Counsel for



the Petitioner.

19. The present petition, along with all pending applications, if any, is disposed of in the above terms.

PRATHIBA M. SINGH, J.

RAJNEESH KUMAR GUPTA, J

MARCH 4, 2025/nd/dk/rks