

HIGH COURT OF DELHI

Bench: Justice Suresh Kumar Kait and Justice Shalinder Kaur

Date of Decision: November 10, 2023

W.P.(CRL) 2506/2018

SHIVDEVI

..... Petitioner

versus

STATE (NCT OF DELHI)

..... Respondent

Sections, Acts, Rules, and Articles Mentioned: None.

Subject: Habeas Corpus petition regarding the police's inadequate response and investigation into the case of a missing child.

Headnotes :

Habeas Corpus – Missing Child – Inadequate Police Action: Petitioner's daughter went missing from a hospital. Despite CCTV evidence and involvement of known harasser Janu, police initially reluctant to register an FIR; higher authority intervention required. [Para 1]

Kidnapping – Involvement of Acquaintances: Janu and his cousin Ankit confessed to kidnapping the petitioner's daughter. Despite these confessions, the police failed to trace the child, highlighting ineffective action in a serious case. [Para 2]

Investigation – Efforts to Trace Missing Child: Various police activities, including re-examining suspects and issuing notices, failed to yield leads on the missing girl, reflecting challenges in tracing missing persons. [Para 3]

Judicial Directive – Quarterly Status Report: Court directed the police to file quarterly status reports on the investigation with the Metropolitan Magistrate, emphasizing continued efforts in unresolved cases. [Para 4]

Decision : High Court disposed of the writ petition, acknowledging the ongoing investigation and the need for persistent police vigilance in the case of the missing girl. [Para 5]

Referred Cases : none.

Representing Advocates:

Petitioner: Mr. Arbaaz Khan and Mr. Shalanki Prasad

Respondent: Mr. Sanjay Lao, Standing Counsel (Crl.) with Mr. Priyam Agarwal, Mr. Abhinav Krumar Arya, and Mr. Shivesh Kaushik, Advocates with ACP/AHTU/Crime along with SI Gunjan Singh AHTU/Crime Branch

CORAM:**HON'BLE MR. JUSTICE SURESH KUMAR KAIT****HON'BLE MS. JUSTICE SHALINDER KAUR****J U D G M E N T (oral)**

1. The petitioner is aggrieved by the fact that on 13.08.2018, the petitioner had taken her daughter to Lal Bahadur Shastri Hospital to get the third injection for a dog bite injury that she had suffered previously. Upon reaching the hospital, the petitioner left her daughter in a queue in the waiting area outside the doctor's room and left her briefly to complete some formalities. When the petitioner returned to the waiting area, her daughter was nowhere to be found. Petitioner immediately alerted the guards and other staff members about her daughter going missing which led to them searching premises of the hospital but she could not be found. Subsequent to this, petitioner called on 100 and reported the police about her missing daughter. Thereafter, petitioner went to Kalyan Puri Police Station and filed a complaint regarding the same. Upon the request of the petitioner, the IO/SI Narender Kumar accessed the CCTV footage of the hospital which showed that two boys sitting on each side of missing girl were harassing her and also that four boys were following her when she got up from the bench. Despite the said CCTV footage being accessed by the IO, no steps were taken by him towards registration of an FIR and only upon the intervention from the Delhi Commission for Women, an FIR No.420/2018 came to be registered on the same day, i.e. 13.08.2018, at P.S. Kalyanpuri. The petitioner further states that one of the boys who was seen harassing her daughter in the CCTV footage was Janu, who has harassed the same daughter in the past as well. Subsequently, the Petitioner received a call from her elder daughter who stated that Janu had come to their house and had tried to harass and assault her outside the petitioner's house. She also stated that during the altercation, Janu had boasted that at his behest, four boys had kidnapped her younger sister from LBS Hospital, and that she was being confined somewhere in Kalyanpuri. She further informed the petitioner that he had also taunted her by saying they can try and save her if they can. During the course of the said altercation, the petitioner's elder daughter managed to snatch Janu's phone from him. Petitioner and her husband immediately informed the IO and then rushed to her house to ensure their daughter's safety. However, by the time they reached the spot, Janu had escaped.

2. Thereafter, the petitioner approached DCP East and then ACP for missing girl. On 16.08.2018, upon interrogation one Janu revealed that he was involved in the kidnapping of the missing girl. He further revealed that his cousin Ankit was also involved in the kidnapping and accordingly Ankit was also apprehended. Both Janu and Ankit told the police that they had picked up the missing girl from Gate No.3 LBS Hospital. However despite having this information with them, the Police refused to take any steps to trace the whereabouts qua missing girl. Hence, the petitioner having exhausted all remedies available to her has preferred the present petition seeking issuance of Habeas Corpus directing the State to produce her daughter before the Court.
3. As per fresh status report dated 07.11.2023, suspect Vishal @ Janu, his wife, Manik @ Isha Roy were re-examined in detail regarding the missing girl, however, they could not provide any clue which could help the police in tracing her. On 29.10.2023, a team of AHTU Section visited Indore, MP for investigation in another case and Hue & Cry notices of missing girl were pasted on the visible places of Indore Railway Station, MP for wide publicity. Similarly, Hue & Cry notices qua missing girl were also pasted on the visible places of Ujjain Railway Station, MP, on the notice board of CAG-I, Nari Niketan, Jail Road, Delhi and Sanskar Ashram, Shelter Home for girls at Dilshad Garden, Delhi. However, till date no information/clue has been found about her. On 03.11.2023, petitioner was also re-examined to provide any fresh information/clue, but she could not provide the same. Moreover, the website of ZIPNET and “trackthemissingchild” having data of found persons and unclaimed dead bodies are being regularly checked to match the details of missing girl with UIDBs and found persons but there is no similar match as on date.
4. In light of the aforesaid and since all possible efforts to trace the missing girl have been made and the FIR lodged in the case is pending investigation. Despite that no clue of missing girl who was 14 years old at the time of missing and now is 19 years old. We hereby dispose of the present writ petition while directing the concerned police officials to file a quarterly status report before the concerned Metropolitan Magistrate and, if any, clue is found about the missing girl, the same shall be transmitted to the petitioner.
5. In view of the above, the petition is disposed of.

*Disclaimer: Always compare with the original copy of judgment from the official website.