

HIGH COURT OF DELHI

Bench: Hon'ble Mr. Justice Suresh Kumar Kait

Hon'ble Ms. Justice Shalinder Kaur

Date of Decision: November 10, 2023

W.P.(CRL) 703/2023

UMESH KUMAR

..... **Petitioner**

versus

THE N.C.T/GOVT. OF DELHI & ORS.

..... **Respondents**

Legislation:

Section 365 of the Indian Penal Code (IPC)
Articles 226 & 227 of the Constitution of India

Subject: Habeas Corpus petition concerning the disappearance of the petitioner's wife.

Headnotes:

Habeas Corpus – Missing Person Case – Petitioner's Wife Missing Since 19.11.2022 – Petitioner seeks Habeas Corpus under Articles 226 & 227 of the Constitution to produce his missing wife. [Para 1-2]

Police Investigation – FIR Registered Under Section 365 IPC – Complaint by Respondent No.2 Leads to FIR No.339/2023 – Efforts to Trace Missing Lady Including Examination of Call Records and Local Area Search. [Para 3-5]

Judicial Review – Perusal of Status Report – Court Acknowledges Police Efforts in Searching for Missing Lady – Directive for Quarterly Status Report to Metropolitan Magistrate – Immediate Transmission of Any Clue to Petitioner. [Para 6-7]

Judgment – Disposal of Petition – Court Disposes of Writ Petition Based on Ongoing Police Investigation and Directed Continued Efforts to Find Missing Lady. [Para 8]

Referred Cases: None.

Representing Advocates:

Petitioner: Ms. Neetu Rai, Mr. Alok Kr. Rai & Ms. Kanchan

Respondents: Mr. Sanjay Lao, Standing Counsel (Crl.) with Mr. Shivesh Kaushik & Mr. Abhinav Kr. Arya

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 06.10.2022, petitioner's wife went to her parental house and on 19.11.2022, respondent no.2 was inquiring about petitioner's wife wherein he replied that she was not at his residence. Petitioner asked respondent no.2 to make a complaint regarding the same. Petitioner states that he visited the police station with respondent nos.2 & 3 and police after knowing everything informed that they registered a complaint but nothing has been given in writing. Petitioner further states that whenever petitioner asked respondent nos.2 & 3 about his wife, he received no satisfactory response and the police have not made any efforts to find out the whereabouts of the wife of the petitioner till date.
2. Present petition has been filed as Habeas Corpus under Articles 226 & 227 of the Constitution of India seeking directions to the respondents to produce missing wife of the petitioner.
3. Mr.Sanjay Lao, learned Standing Counsel has produced latest status report dated 10.11.2023 whereby it is stated that on the statement of respondent no.2, a complaint was registered at Police Station Bhajanpura on 20.11.2.022 vide DD No.49A wherein he stated that her daughter Ms. 'P' was living with him for one and half month and on 19.11.2022 at around 3 pm, she left her parental house saying that she was going to meet her husband, petitioner herein and since then she did not return.
4. Mr.Sanjay Lao, further submits that on the basis of the said DD entry, FIR No.339/2023 under section 365 IPC was registered.
5. Furthermore, the call detail records of mobile numbers 9560539159, 9560385294, 8810669559 and 8700711491 belongs to Komal, Madhu, Tarkeshwar and Rakhi respectively were received but no suspected number could be found in the same to trace the missing lady. Missing lady was searched in local area and Zip Net missing person search portal but despite all these efforts, no clue of the missing lady could be found.
6. The status report dated 09.11.2023 is taken on record and we have perused the same.
7. In light of the aforesaid and since all possible efforts to trace the missing girl have been made and the FIR is pending investigation, 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 lady, the same shall be transmitted to the petitioner.

8. In view of the above, the petition is disposed of.

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