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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
% ***Date of decision: 14<sup>th</sup> October, 2025***

+ W.P.(CRL) 2512/2025

XXXX

.....Petitioner

Through: Petitioner-in-person

versus

THE STATE NCT OF DELHI AND ANR

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel  
(Crl.) with Mr. Priyam Agarwal and  
Mr. Abhinav Kr. Arya, Advocates  
SI Aarti Yadav, PS Kapashera

**CORAM:**

**HON'BLE MR. JUSTICE VIVEK CHAUDHARY**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**J U D G M E N T (oral)**

1. The present petition has been filed by the Petitioner under Article 226 of the Constitution of India read with Section 528 of the *Bharatiya Nagarik Suraksha Sanhita, 2023*, seeking issuance of a writ in the nature of *Habeas Corpus* or any other appropriate writ or order directing Respondent No.1 to immediately trace and produce the missing minor daughter of the Petitioner, who is suspected to be in the illegal detention and custody of Respondent No.2 (Ashok Kumar), the landlord of the Petitioner. The Petitioner further seeks a writ in the nature of *Mandamus* commanding the police authorities to register an appropriate case under the relevant provisions of the *Protection of Children from Sexual Offences Act, 2012* (POCSO).



2. Petitioner is a permanent resident of Delhi and respondent No.2, being landlord, used to frequently visit their premises. During such visits, he began showing unusual and inappropriate interest in the Petitioner's family, particularly towards her minor daughter aged about 16 years. Petitioner, even, warned her daughter to maintain distance from him.
3. On fateful day of 25.07.2025, around 4:30 PM, the Petitioner noticed that her daughter was missing from home.
4. Fearing that she had been lured away or abducted by respondent No.2, the Petitioner approached P.S. Kapashera to report the matter and despite her clear report, the police registered FIR No. 0315/2025 against unknown persons, deliberately omitting the name of the accused. Since the registration of the FIR, the Petitioner has been running from pillar to post for proper investigation and recovery of her daughter.
5. State was directed to make best efforts to trace out the minor girl of the petitioner.
6. Today, learned Standing Counsel for the State has handed over status report dated 10.10.2025 in the Court wherein it is stated that the minor daughter of the petitioner has been recovered on 31.08.2025. It is further stated that she was produced before Child Welfare Committee (CWC) which has already directed to hand over her custody to her mother.
7. In statement recorded under Section 164 Cr.P.C. (183 BNSS 2023), the minor daughter of the petitioner has made allegations against accused Ashok Kumar that he had forcibly taken her away and committed repeated rape on her, for a month.



8. Said accused is still absconding and has, yet, not been arrested.
9. The daughter of the petitioner has also appeared in person.
10. Her mother (petitioner herein) is also present.
11. When asked, the daughter of petitioner stated that she is 16 years of age and has studied upto 9<sup>th</sup> Class and reiterates that she wants to live with her mother only.
12. In view of above, no further order is required in the present *Habeas Corpus* petition.
13. However, petitioner also apprehends threat from accused.
14. Fact remains that such accused is still absconding. Learned Standing Counsel for the State assures that best efforts would be made to apprehend him.
15. This Court expects that investigating agency shall make its best efforts in this regard and would ensure that accused is apprehended without any further delay.
16. Since petitioner apprehends threat from such accused, she would be at liberty to make appropriate request in this regard not only to the concerned SHO but also before the learned Trial Court and as and when any such request is received, appropriate action, in accordance with law, shall be taken to ensure that victim feels completely safe and protected. She would be at liberty to approach the concerned District Legal Service Authority so that if



required, her grievance is placed before the concerned Witness Protection Committee.

17. We also expect that the concerned Trial Court monitors the progress in the investigation, in accordance with law.

18. Petition stands disposed of in the aforesaid terms.

**(VIVEK CHAUDHARY)**  
**JUDGE**

**(MANOJ JAIN)**  
**JUDGE**

**OCTOBER 14, 2025***/dr/shs*