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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 3rd February, 2025
+ **W.P.(CRL) 273/2025**
RINKUPetitioner
Through: Mr. Kamlesh Kumar Verma & Mr.
Dinesh Singh Bachgoti, Advs.
alongwith petitioner in person
versus
THE STATE OF NCT OF DELHI & ORS.Respondents
Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) with Ms. Priyam Aggarwal &
Mr. Abhinav Kumar Arya, Advs. with
ASI Sushil Kumar Tyagi, PS
Dayalpur.
CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE DHARMESH SHARMA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CRL.M.A...../2025 (for listing of the matter) (to be numbered by the Registry)

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.*, 27th 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 on behalf of the Petitioner-Rinku under Article 226 of the Constitution of India seeking issuance of a writ in the nature of *habeas corpus* for production of his daughter, who is stated to be a minor.

7. The petition has been mentioned before the Court and it has been informed by the Id. Standing Counsel, Criminal that the girl has been recovered. Accordingly, the case has been directed to be listed.

8. A brief background of the present case is that on 13th January, 2025 the daughter of the Petitioner had gone missing from her residence. Thereafter, efforts were made by the Petitioner to trace the daughter, but she could not be found. Subsequently, on 13th January, 2025 a missing complaint was filed by the Petitioner in the P.S. Dayalpur. On 14th January, 2025 a FIR being ***FIR No. 0064/2025*** was registered under Section 137 of the Bhartiya Nyaya Sanhita ('BNS') in P.S. Dayalpur. However, the daughter of the Petitioner could not be traced. Hence, the present petition.

9. It is alleged by the Petitioner/father that his daughter has been illegally detained by Respondent Nos. 2 and 3 *i.e.*, Mr. Vipin Yadav and his brother, Mr. Pawan Yadav respectively. It is further alleged that on 20th January, 2025 the Petitioner received a phone call from Mr. Pawan Yadav wherein it was stated by Mr. Pawan Yadav that the Petitioner's daughter will not be recovered by the Petitioner.

10. On the last date of hearing, *i.e.*, 27th January, 2025 a status report dated 27th January, 2025 was placed on record by Mr. Sanjay Lao, Id. Standing Counsel (Criminal). It was stated in the said status report that certain efforts



have been made to produce the minor daughter of the Petitioner and the investigation is underway. Accordingly, the Court on 27th January, 2025 directed as under:

“4. Mr. Sanjay Lao the ld. Standing Counsel has handed over a status report dated 27th January, 2025 and submits that certain leads have already been received and effort shall be made to produce both the boy and the girl on the next date of hearing. The status report is taken on record.

5. List on 21st February, 2025.

6. In case, the girl is traced prior to the said date, ld. Standing Counsel for the State may mention the matter.”

11. Today, the girl has been produced before the Court. The parents of the girl have also been produced. The Court has had in-chamber interaction with the parties present.

12. The facts that have emerged from the chamber interaction are that the girl had in fact left her residence on 12th January, 2025. A missing report was registered on 13th January, 2025. The concerned police officials had obtained some lead as was recorded on 27th January, 2025. Thereafter, the matter was adjourned to 21st February, 2025.

13. A status report dated 3rd February, 2025 has been handed over to the Court. The same has been taken on record.

14. The said status report reveals that information was received through a secret informer about the whereabouts of the missing girl. Consequently, she was recovered from Meghdoot Hotel Wali Gali, Parchori compound, Mainpuri, Uttar Pradesh on 28th January, 2025 by the IO ASI Sushil Kumar Tyagi, PS Dayalpur, Delhi. She is stated to have been recovered from the said place along with the Respondent No. 2, Mr. Vipin Yadav.



15. It is further stated in the said status report that the girl was medically examined by JPC Hospital, Shastri Park, Delhi on 28th January, 2025 itself. She did not make any allegations of sexual or physical assault against the boy with whom she was present at the time when she was recovered. Her statement under Section 183 of BNSS, 2023 reads as under:

“ मेरे घर में शादी कराने की बात कर रहे थे तो मैं गुस्से में करीब 13-Jan-2025 को दोपहर 03:00 बजे ट्रेन से आगरा चले गई थी। आगरा जाकर एक दिन तो मैं ताजमहल के आस-पास घूम रही थी। फिर वहाँ एक दोस्त हिमांशी रहती है तो मैंने एक अंकल से फोन लेकर उसे फोन किया फिर वो मुझे लेने आई और मैं उसके घर चले गई। हिमांशी के घर में 25 January तक रही। फिर मैंने अपने दोस्त बिपिन को फोन किया / मैं हिमांशी के घर से निकल गई थी। मेने बिपिन को बताया मैं खो गई हूँ। फिर वो मुझे लेने आया। फिर वो मुझे मैनपुरी, उत्तर प्रदेश लेकर आया। उसे मेने बताया कि शादी की बात पर

गुस्सा खा कर मेने घर छोड़ दिया। उसने बोला घर छोड़ देता हूँ। ऐसे बाहर ठीक नहीं है। फिर मेरी मम्मी-पापा ने दयालपुर में FIR करा दी थी। तो दयालपुर की पुलिस मुझे लेने मैनपुरी आ ही गई थी। और बिपिन और मुझे, दोनों को arrest कर लिया/(Annexure - B).

16. As can be seen from the above statement, she was in the company of one Mr. Vipin Yadav at the time when she was recovered. Thereafter, she was produced before the Child Welfare Committee ('CWC'). The report of the CWC dated 31st January, 2025 records that the parents of the daughter did not accept her custody on the ground that they would want to take the custody of their daughter only before this Court.

17. Further, as per the statement of the girl recorded under Section 183 BNSS, the girl is stated to have spent some time with a friend of hers in Agra,



Uttar Pradesh and thereafter with the Respondent No. 2, Mr. Vipin Yadav.

18. Today however, the girl has stated before the Court that she does not intend to marry the boy and that she is currently studying in the 11th Standard. She is 16 years of age and she wishes to continue her education.

19. The parents of the child have levelled various allegations against the Respondent No. 2 and his family. They have also made accusations against the concerned Investigating Officer ('IO')– ASI Sushil Kumar Tyagi stating that he has illegally protected the Respondent No. 2 from legal consequences. The parents have further made allegations against the girl, stating that she may have also taken some money from the house.

20. The Court has also perused Instagram photographs which have been handed over to the Court by the Id. Counsel for the Petitioner. The photographs are stated to have been posted by Mr. Vipin Yadav on his Instagram platform. The girl has confirmed that he is the same boy who is reflected in the photograph.

21. The girl has refused to undergo an internal examination. The Medico Legal Case ('MLC') has recorded that she is UPT negative. The girl had also expressed that she had run away from home as she was apprehending that her parents would get her married.

22. The clear impression that the Court gets is that the girl has not been candid with the Court. In addition, the concerned IO is also stated to have not enquired into the matter properly and has not taken any action against the boy, Mr. Vipin Yadav, in terms of law.

23. In the overall circumstances, considering that during the in chamber interaction, the girl has apologised to her parents as also keeping in mind that the girl is a minor, the girl is handed over to the parents with a clear direction



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that they would not attempt to get her married prior to her attaining the age of majority *i.e.*, 18 years and in any case without her consent they would not get her married.

24. In view of the allegations made and considering the overall facts of the case, it is directed that the boy, Mr. Vipin Yadav and his family shall be called by the concerned SHO – Mr. Parambir Dahiya, SHO Dayalpur and properly warned so that he does not indulge in any unlawful conduct or trouble the girl or her family in any manner.

25. The CWC shall continue the counselling of the girl.

26. Under these circumstances, no further orders are called for. The girl is handed over to her parents.

27. The petition is disposed of with pending application (s) if any.

28. Next date of hearing *i.e.*, 21st February, 2025 stands cancelled.

**PRATHIBA M. SINGH
JUDGE**

**DHARMESH SHARMA
JUDGE**

FEBRUARY 3, 2025/Rahul/rks