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**IN THE HIGH COURT OF DELHI AT NEW DELHI**

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**W.P.(CRL) 1091/2024 & CRL.M.A.10318/2024**

**VIDYAWATI**

.....Petitioner

Through: Ms. Arundhati Katju (DHCLSC) Ms. Shristi Borthakur, Ms. Ritika Meena and Ms. Parkhi Rai, Advocates. (M-9910683916).

versus

**STATE OF NCT OF DELHI**

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel (Criminal) for the State with Ms. Priyam Agarwal, Advocate.  
SI Narender with WSI Pinki, PS AHTU/Crime Branch.  
Mr. Amar Nath Saini, Mr Karan Gupta and Mr. Rohit Singh, Advocates. (M-9811440079).

**CORAM:**

**JUSTICE PRATHIBA M. SINGH  
JUSTICE AMIT SHARMA**

**ORDER**

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**15.07.2024**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner-Vidyawati under Article 226 of the Constitution of India r/w. Section 482 of the CrPC seeking a writ of Habeas Corpus to produce Petitioner's minor niece Ms. P, who is also stated to be her step daughter and is missing since October/November, 2023. The case of the Petitioner is that the girl 'P' is aged about 15 years and was sent to one Ms. Kavita Keswani on 16th August, 2023, on the basis of monthly payment of Rs.8,000/-.



3. In October, 2023 the Petitioner is stated to have asked Ms. Kavita Keswani to send Ms. P to her residence for a few days, however Ms. P did not come and Ms. Keshwani alleged that she had run away from Ms. Kavita Keswani's house by stealing her jewellery.

4. Thereafter, an FIR 316/2023 was filed at the Police Station Safdarjung Enclave by the Petitioner and the matter was transferred to the Anti Human Trafficking Cell, Crime Branch for further investigation. Notice was issued on 4th April, 2024 and was accepted by Mr. Sanjay Lao, Id. Standing Counsel (Criminal).

5. On 28th May, 2024 it was observed that a notice dated 20th May, 2024 was sent to Ms. Kavita Keshwani to give her consent for a Polygraph Test before the CMM, Saket Court, Delhi. However, she refused by stating that she is outstation and will come post 24th May, 2024. A statement of Ms. Kavita Keshwani dated 29th June, 2024, has also been handed over in Court today which records that after understanding the procedure and consequences of the Polygraph Test, she refused to participate. The said statement is taken on record.

6. Today, the missing girl 'P' has been produced by the Keshwani family consisting of Ms. Ritika Keshwani and Mr. Rajinder Keshwani. The Court is further informed that Miss 'P' has been residing with Ms. Ritika Keshwani who is the daughter of Mrs. Kavita Keshwani for the last 6-7 months. The police, however, were not aware and it was only when they visited the Hotel Samrat in Haridwar run by Mr. Rajinder Keshwani, husband of Mrs. Kavita Keshwani, that they came to know that Ms. 'P' is staying with Ms. Ritika Keshwani.

7. The Court has interacted with the girl, the Keshwani family as also the



Petitioner. It has emerged that the girl's biological mother passed away when she was an infant. She was brought up by the Petitioner who is a step-mother. The girl 'P' also has a step-brother and a step-sister who are much elder to her. After interacting with Ms. 'P' in Chamber, it is observed that she is willing to go with her step-mother today and meet her other siblings as well, with whom she shares love and affection. Let Ms. 'P' accompany the Petitioner to their home and her family and appear again on the next date of hearing before the Court.

8. The Keshwani family is willing to deposit a sum of Rs. 2 lakhs for the welfare of Ms. 'P'. Accordingly, let a FDR be made for a sum of Rs. 2 lakhs, in the name of Registrar General of this Court and be placed before the Court.

9. List on 1st August, 2024.

10. In the meantime, Ms. 'P' would go with the Petitioner today. Petitioner has assured that she will not ill-treat Ms. 'P' in any manner.

11. The Investigating Officer is further directed to check the well-being of Ms. P on a daily basis through the Petitioner's mobile number- 9315662268.

**PRATHIBA M. SINGH, J**

**AMIT SHARMA, J**

**JULY 15, 2024/sn/PC/KS**