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

+ W.P.(CRL) 2131/2023

LAMBODER JHA

..... Petitioner

Through: Mr. Soayib Qureshi, Mr. Sandeep Bajaj, Ms. Aparna Singh and Mr. Harikesh Anirudhan, Advocates

versus

GOVT NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Sanjeev Bhandari, ASC for the State with Mr. Kunal Mittal, Mr. Saurabh Tanwar, Advocates for R-1 to R-3 and IO SI Kamlesh, Inspector Deepak Sharma, W/Constable Renu, P.S. Kalindi Kunj and Victim in person

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

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28.07.2023

CRL.M.A. 19811/2023 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(CRL) 2131/2023

3. The instant writ petition under Article 226 of the Constitution of India has been filed on behalf of the petitioner.
4. Issue notice. Mr. Sanjeev Bhandari, learned ASC accepts notice on behalf of respondent nos. 1 to 3.
5. Facts of the present case are that petitioner is father of the minor 'X',

is daughter aged about 16 years who had gone missing on 10.07.2023. She had left her house at about 9:30 AM to visit her Aunt who resides near their home, however, since she did not return home and considerable time had passed, the petitioner father had gone to inquire about her and was informed that minor 'X' had never reached there. They had tried to find her in the neighbourhood, however, she could not be found. On 11.07.2023, petitioner had lodged the complaint at Police Station Kalindi Kunj and FIR No. 336/2023 came to be registered under Section 363 of IPC. The petitioner stated that despite number of visits to the police station between 12.07.2023 to 16.07.2023 he could find no information about his daughter, thereafter, he had made representation to the Deputy Commissioner of Police, South-East District, and to SHO, Police Station Kalindi Kunj on 16.07.2023. The petitioner states that the police had not taken steps in accordance with Standard Operating Procedure for cases of missing children issued on 23.11.2016 by the Ministry of Women and Child Development. The present writ petition was therefore filed to point out the lapses in the procedure adopted by the police officials in case of finding the missing child. The present petitioner is therefore seeking following relief:

“Issue a writ in the nature of Mandamus or any other writ, order or direction as may be deemed appropriate by this Hon'ble Court, directing the Respondents herein to adhere to the SOP dated 23.11.2016 and locate the whereabouts of the missing minor daughter of the Petitioner; and further expedite the investigation in relation to the complaint filed by the Petitioner.”

6. When the case came up for hearing, the State and the investigating officer appeared on advance notice and produced the missing minor child

'X' before the Court. Her statement had been recorded under Section 164 CrPC wherein she had levelled no allegations against any person and has stated that she had left her home out of her own free will due to some misunderstanding between her and her parents.

7. This Court has interacted with the minor victim who has expressed her apprehension in accompanying her father. She has stated that she wants to continue her studies and is keen on attending her school regularly. She has expressed apprehension that due to her leaving home, her parents will discontinue her studies and may treat her badly. Father of the minor child who is present and the minor child were counselled and the father undertakes that he will ensure that the minor daughter is able to attend her school regularly. The minor daughter was counselled and she has expressed her willingness to accompany her father.

8. In such circumstances, considering that the minor child 'X' wants to continue her studies who is about 16 years of age and is presently studying in 10th standard, her studies will not be discontinued. The Principal of the school concerned will accept the leave application which will be moved by the father of the minor child and will accept as leave, the period when she had not attended the school, without asking any uncomfortable question to the child or the father. Father of the child will ensure that the child keeps on going to the Government school, she is studying in. The SHO, PS Kalindi Kunj is also directed that for the next six months, he will send a female Sub-Inspector to the house of the petitioner in plain clothes to find out that the child is attending the school comfortably and her studies have not been discontinued.

9. Learned counsel for the petitioner has also pointed out that the entire

guidelines of the SOP were not followed in the case and states that this Court may pass appropriate directions regarding the same for the police to follow in all cases of missing children. Sh. Bhandari, learned ASC for the State who is present in the Court as well as learned counsel state that they will assist the Court in doing so.

10. List on 01.08.2023 for consideration of the same.
11. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

JULY 28, 2023/ns

Click here to check corrigendum, if any