

(2019) 05 DEL CK 0141

In the Delhi High Court

Case No : Criminal Writ Petition No. 1463 Of 2019

Sahista

APPELLANT

Vs

State Of Nct Of Delhi

RESPONDENT

Date of Decision : 30-05-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 164
Protection Of Children From Sexual Offences (POCSO) Act, 2012 — Section 4, 6
Indian Penal Code, 1860 — Section 34, 120B, 366, 368, 370, 376D

Citation : (2019) 05 DEL CK 0141

Hon'ble Judges : Manmohan, J; Sangita Dhingra Sehgal, J

Bench : Division Bench

Advocate : Aditya Singla, Supriya Juneja, Sanjay Lao, Rahul Mehra

Final Decision : Disposed Off

Judgement

Manmohan, J

1. Present petition had been filed seeking a writ of Habeas Corpus directing the police to find the petitioner's minor daughter who is stated to be of unsound mind.
2. It is alleged in the present petition that not only the petitioner- mother's FIR was registered after a six months delay, but the suspects mentioned in her complaint namely, Rohit, Chaiwali and Raj of District Ghaziabad, Uttar Pradesh were not investigated.
3. Upon notice being issued by this Court on 20th May, 2019, the missing girl has now been recovered and the investigation as well as Section 164 Cr. P.C. statement of the missing girl have confirmed that the suspects mentioned by the petitioner-mother in the original complaint were allegedly involved in the crime.
4. The status report dated 28th May, 2019 filed by the police reveals a disturbing state of affairs with regard to kidnapping and gang rape of a minor. The relevant portion of the said report is reproduced hereinbelow:-

"16. That on 20/05/19, Brijesh @ Raj S/O Rameshwar r/o A-405, Gali no. 13, Harsh Vihar Delhi, Shamshad @ Rohit s/o Irshad @ Munn r/o H.N. 285 Tulsi Niketan, Bhopra GZB UP & Sonia @ Chaiwali w/o Sudhir r/o Vill Lohadda Khanpur PS Jani Distt. Meerut UP were arrested and during interrogation Brijesh @ Raj & Sonia @ Chaiwali disclosed that they alongwith Sunita & Yoesh had sold off Samreen to Harish r/o Bharatpur Rajasthan.

17. That on 21/05/19, Brijesh @ Raj & Sonia @ Chailwali were taken on 04 days PC remand and search of kidnapped girl and co-accused was done.

18. That on 24/5/19, accused Harish @ Hari s/o Bhim Singh r/o Vill Bailara PS Nadbai, Bharatpur Rajasthan was arrested at the instance of accused Sonia who during interrogation disclosed that he had purchased Samreen from Sonia, Brijesh, Sunita & Yoesh for the sum of Rs. 15,000/- and on the same day he had forcibly got married Samreen to Mukesh s/o Hari Singh r/o Vill-Harsukh Nagla PS Halena, Bharatpur Rajasthan.

19. That on 24/05/19, accused Mukesh s/o Hari Singh r/o Vill-Harsukh Nagla PS Halena, Bharatpur Rajasthan was also arrested and kidnapped girl Samreen @ Chatto was recovered from his house at Vill-Harsukh Nagla, PS Halena, Bharatpur Rajasthan.

20. That so far five accused persons have been arrested and two more accused persons namely Sunita & Yoesh are yet to be arrested.

21. That on 25/05/19, application for recording of statement of victim u/s 164 Cr. P.C. was moved in the court but due to paucity of time, statement u/s 164 Cr. P.C. could not be recorded and it was recorded on 27/05/19, wherein she stated that accused Rohit and Sonia had forced her into prostitution. She further stated that Rohit and Mukesh had raped her and she was forcefully married to Mukesh by Harish @ Hari, Sonia and Brijesh @ Raj.

22. That section 366/368/370/376D/120B/34 IPC and 4/6 Posco Act have been invoked in the case."

5. Mr. Atul Kumar Thakur, DCP, North East who is personally present in Court assures and undertakes to this Court that the investigation in the present case would be taken to its logical conclusion and the culprits would be brought to book.

6. Learned counsel for the petitioner admits that the minor girl has now been handed back to the petitioner-mother.

7. Recording the aforesaid undertaking and assurance of DPC, North East, the present writ petition stands disposed of.