

Serial No. 110
Suppl. cause List

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

WP(Crl) No. 114/2021
CrIM No. 961/2021
C/w
CCP(S) No. 396/2021

Mahrukh Iqbal

..... Petitioner(s)

Through: -

Mr. Areeb Javid Kawoosa, Advocate

v

Union Territory of JK and Ors.

..... Respondent(s)

Through: -

Mr. B. A. Dar, Sr. AAG
None for private respondents

CORAM:

Hon'ble Mr Justice Ali Mohammad Magrey, Judge

(ORDER)

01.09.2021

1. Nobody appears for the private respondents. The suckling baby girl has also not been produced before the Court. Mr. B. A. Dar, learned Sr. AAG, states that the child could not be recovered as yet as she was not found at the residence of the private respondents. He seeks permission to place on record the police report in this regard in compliance of the direction passed by this Court on 31.08.2021. Permission sought is granted. The report produced is taken on record, copy whereof shall be provided to the learned counsel for the petitioner. The private respondents may obtain a copy of the report from the Registry, if they so desire, free of cost.

2. Perusal of the report reveals that the District Police Headquarter, Srinagar, on receipt of the Court order dated 31.08.2021, have directed SP, East Zone, Srinagar, to implement and execute the order in letter and spirit. In compliance to the said direction, the SHO, Police Station, Nishat, Srinagar, has raided different suspicious locations, including the house of the respondent No. 5, who happens to be the grandfather of infant. It is reported that the searches/raids were conducted in presence of Executive Magistrate, 1st Class, Khanyar, Srinagar, namely, Shri Showkat Ahmad Rather. The search memos drafted are enclosed with the report. The report further reveals that the Police team raided the house of one Muzamil Ahmad Sheikh today on 01.09.2021, suspecting the infant's location, but the child was not found and no clue with regard to her place of confinement could be got. It is further revealed that respondent No. 4, husband of the petitioner and father of the infant, as also respondent No. 6, grandmother of the infant, namely, Mrs. Rabia Shah, were also not available at the searched/raided places and have gone into hiding with the infant baby, thereby obstructing the lawful implementation of the Court order.

3. The endeavour and the effort of the Police team supervised by the Superintendent of Police, East Zone, Srinagar, namely Tanushree, is appreciable. However, the endeavour should result in recovery of the child before anything untoward happens to her or is done with her, as suspected by the petitioner.

4. Obviously, the conduct of the private respondents is only aggravating the excesses allegedly committed by them *vis-à-vis* the child and the petitioner and, in fact, lends a support to what the petitioner has

averred in the petition about the treatment meted out to her and her child by the private respondents. Their conduct axiomatically has been instrumental in prolonging the suffering of the child and agony of the petitioner. Nonetheless, the Court is not powerless. The conduct of the private respondents is also likely to bring others into the dragnet of abetment of the crime.

5. In view of above, the Police is directed to accelerate their efforts to search for and recover the baby in tune with the spirit of the anxiety of the Court expressed in the directions passed by this Court. The Superintendent of Police, East Zone, Srinagar, present in the Court, if required, shall be free to approach the Director General of Police/Inspector General of Police, Kashmir Range, for making available such electronic and/or technical help as may be helpful in tracing out the location of the child and the hiding private respondents. This may include coordinating the Cyber Crime Police in the process.

6. At this stage, petitioner, mother of the infant, who is present in the Court, states and reiterates that the female baby is taken out from her only to kill her. She states to have already submitted a complaint before the Police in this regard. If so, the Police concerned shall take due action in accordance with law on the complaint so made by the petitioner.

7. In light of the above facts and circumstances, time for implementation of the Court order dated 31.08.2021 is extended.

8. List on Friday to be taken up at 2:30 PM. If in the meantime the child is recovered, the Police shall act in the manner provided by this Court in order dated 31.08.2021.

9. Meanwhile, the Police shall also take appropriate measures for the safety of the petitioner lest any harm should be caused to her.

CCP(S) No. 396/2021:

Issue notice to the respondents.

List alongwith the main case.

**(Ali Mohammad Magrey)
Judge**

SRINAGAR
01.09.2021
"Mohammad Yasin Dar"

