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

+ W.P.(CRL) 2131/2020

KEWAL GUPTA

..... Petitioner

Through: Mr. S.N. Bhardwaj, Mr. Manish
Bhardwaj & Mr. Satish Chandra,
Advocates.

versus

STATE OF NCT OF DELHI

..... Respondent

Through: Mr. Rahul Mehra, Standing Counsel
& Mr. Chaitanya Gosain, Advocate
along with the SHO, Naraina, for the
State.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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18.12.2020

CRL.M.A. 17597/2020

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of

W.P.(CRL) 2131/2020

3. Issue notice. Mr. Mehra accepts notice.
4. The petitioner has preferred this writ petition to seek a writ of Habeas Corpus for production of his daughter, namely Preeti Gupta – who went missing on 07.11.2020. One Syed Mustafa removed the daughter of the

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By: BHUPINDER SINGH
ROHELLA
Signing Date: 19/12/2020 08:45

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petitioner from her residence. The petitioner also states that on the same day, Preeti had been taken to Kolkata by train. The petitioner states that the petitioner's daughter appears to have been taken away in an organised manner. Learned counsel points out that the petitioner's daughter, by education, is B.Tech, whereas the person with whom she is claimed to have eloped is a Labourer. He also states that the father of the person, namely Munna Bhai is also missing ever since Preeti Gupta went missing.

5. The State has filed a status report on service of advance notice. We have perused the same. As per the status report, it is claimed that Preeti Gupta has married one Syed Mustafa, S/o Munna Bhai. It is also claimed that she has also informed her family members that she does not wish to be disturbed and that she is happy & safe, wherever she is.

6. No FIR has been registered till date. During our interaction with the SHO, Naraina – who is also present during this hearing, he states that FIR was not registered since the *Nikahnama* has been produced to show that Preeti Gupta had married with Syed Mustafa. On our query, he states that the said *Nikahnama* could not be verified despite efforts. We are shocked that even in this background, he did not think it proper to register an FIR and proceeded on the bald statement produced before him, wherein it is claimed that Preeti Gupta has married Syed Mustafa. This is complete dereliction of duty on the part of the SHO concerned.

7. Mr. Mehra states that on the basis of the Call Details Record (CDR) of Preeti Gupta, efforts would be made to trace her out. She presently appears to be in West Bengal.

8. We direct the State to make all-out efforts to produce Preeti Gupta

since we cannot accept the statements attributed to her, at this stage, as her voluntary statements. To satisfy our conscience, we would like that she be produced before us. In case Preeti Gupta is traced, she shall be brought to Delhi, and kept at Nari Niketan atleast for four days before the next date so that she is not under influence of either the petitioner, or the persons with whom she is stated to have eloped and gone.

9. Learned counsel for the petitioner states that the petitioner, and the family members should be granted police protection in the aforesaid circumstances.

10. We direct the SHO concerned to look into the aspect of threat assessment to the petitioner and family members and provide adequate security to them. The mobile phone number of the Beat Constable of the area shall be provided to the petitioner and family members, and any call received from them shall be attended to and actioned without any delay.

11. In the aforesaid circumstances, we think it proper to transfer the investigation to the AHTU, Crime Branch, forthwith on registration of the FIR. Further status report be filed under the signatures of the DCP concerned.

12. List on 04.01.2021, when Preeti Gupta should be produced before us.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

DECEMBER 18, 2020

N.Khanna