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

+ W.P.(CRL) 2078/2021  
CRL.M.A.16777/2021 (for directions)

TEENU & ANR.

..... Petitioner

Represented by: Mr. Awadhesh Kumar, Advocate with  
Petitioners & Ms. Memphool, mother  
of petitioner No.2 in person.

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondent

Represented by: Ms. Kamna Vohra, ASC for the State  
with ACP A.K.Singh, Gokulpuri Sub  
Division & Insp. Lalan Keshri, SHO  
PS Jyoti Nagar.  
SI Pankaj Kr. Tyagi, PS Shamli, U.P.

**CORAM:**

**HON'BLE MS. JUSTICE MUKTA GUPTA**

**ORDER**

% **28.10.2021**

The hearing has been conducted through Physical Mode.

1. This petition had come up before this Court on 25<sup>th</sup> October, 2021 when the petitioners appeared and stated that they were major and had married of their own free will on 1<sup>st</sup> July, 2021 contrary to the wishes of the parents of petitioner No.1 who were impleaded as respondent No.2 and 3. The petitioners sought protection. They also claim that they were receiving threats from respondent No.2 and 3 and that the father and brother of the petitioner No.2 were taken away by the UP Police for the last one and a half month and complaints were not being accepted by the Police Station, Jyoti Nagar and they were not aware of the whereabouts of the father and brother

of the petitioner No.2. It may be noted that some of the facts noted were not stated in the petition but when the petitioners appeared before this Court, they revealed these facts.

2. Notice was accepted by learned Additional Standing Counsel for the State and a detailed status report was directed to be filed by the DCP concerned indicating whether any FIR has been lodged against the petitioner and if any intimation has been received at any Police Station from the UP Police who came to Delhi on 6<sup>th</sup> August, 2021 and took away the father and brother of the petitioner No.2. This Court also granted protection to the petitioners through beat staff and division staff.

3. On 26<sup>th</sup> October, 2021 when the matter came up before this Court, the ACP Sub Division, Gokulpuri was present personally along with the SHO PS Jyoti Nagar. A status report was filed by the DCP North East District stating that no intimation was received at PS Jyoti Nagar in regard to the purported arrest of the petitioner No.2's father and brother, namely, Rajender Singh and Amit Kumar and that after receipt of the petition when they contacted Police Station Shamli, UP it was revealed that Rajender Singh and Amit have been arrested in FIR No. 398/2021 dated 6<sup>th</sup> September, 2021 under Section 366 IPC at PS Shamli, UP This FIR was registered on the complaint of the mother of the petitioner No.1. The offence alleged against Rajender Singh and Amit was under Section 368 IPC which was also added during the investigation of the said FIR.

4. SHO, P.S. Shamli claims that the Rajender Singh and Amit Kumar were arrested from Kudhara Bus Stand, District Shamli, UP and they were presently in judicial custody. This Court thus issued notice to SHO PS Shamli, UP to be present along with the file of case FIR No. 398/2021 under

Section 366/368 IPC registered at PS Shamli, UP. Notice was directed to be issued to the respondent No.2 and 3 to be served by SHO PS Jyoti Nagar returnable for today.

5. In the meantime an affidavit has been filed by mother of petitioner No.2 copy whereof has been handed-over to the learned Additional Standing Counsel for the State and to the SHO PS Shamli, UP as well. In the affidavit she stated that she was working as a clerk in Guru Tegh Bahadur hospital. On 6<sup>th</sup> August, 2021 when she reached her residence at about 7.00 PM from her work she found four Police personnel of State of Uttar Pradesh were present. When she inquired from them, they told that they had come from Police Station Shamli, District Shamli to arrest her husband Rajender Kumar and elder son Amit aged 24 years. They further told that they were arresting her husband and son in the case. They did not however give any particulars of the case despite her request.

6. SHO PS Shamli is present in Court. On a query raised by this Court as to whether after registration of FIR on the complaint of respondent No. 3 the mother of the petitioner No.1 whether any enquiry was made as to whether the petitioner No.1 has gone of her own free volition, what efforts were made to trace her and whether they were informed that petitioner No.1 was a major, the SHO on instructions from the investigating officer states that despite their asking the respondent No.3 did not give them any document showing the age of the petitioner No.1. Hence they were not aware whether the petitioner No. 1 was major or minor.

7. This Court has perused copy of FIR No. 398/2021 dated 6<sup>th</sup> September, 2021 in the police file brought by SHO, P.S.Shamli. In the FIR itself it is noted by the complainant/ respondent No.3 herein that on 1<sup>st</sup> July,

2021 at about 5.00 AM the complainant had gone to put the grass and when she came back her daughter Teenu aged 21 years was missing from the house. The complainant tried to trace the daughter and got to know that she had been taken away by Tarun, S/o of Rajender, resident of H.No. 440 Gali No.14, E Block, Amar Colony, Delhi and two other persons by inciting her. The complainant had also stated that in this regard she had spoken to the mother of Tarun, namely, Ms. Memphool who stated that the girl was not with them. However, later Memphool stated that the girl was with them and that they will not return her. It is thus evident from the FIR itself that it was revealed to the investigating officer that the petitioner No.1 was a major as per the admission of the complainant herself.

8. An affidavit will be filed by the SHO PS Shamli indicating as to what efforts were made to trace the petitioner No.1 in Delhi, whose address was also revealed to them in the FIR and if they came to Delhi whether intimation of their arrival was ever made to the local Police Station before taking any further action.

9. The investigating officer of the FIR No. 398/2021 has already recorded the statement of Petitioner No.1 under Section 161 Cr.P.C. and to carry out a proper investigation in FIR No. 398/2021 registered at PS Shamli, UP, the SHO PS Shamli, UP states that the statement of the petitioner No.1 is required to be recorded under Section 164 Cr.P.C.

10. The SHO PS Shamli, UP is permitted to get the statement of the petitioner No.1 recorded under Section 164 Cr.P.C. for which the petitioner No.1 will cooperate and appear before the learned CMM, Patiala House Court who will mark the matter to Link Magistrate for recording of statement of petitioner No.1 under Section 164 Cr.P.C. today itself or

tomorrow so that after necessary investigation, the investigating officer can leave Delhi and thereafter take further action in accordance with law.

11. Copy of the affidavit of the mother of petitioner No.2 has been handed-over to the SHO, PS Shamli.

12. An affidavit will be filed by the SHO PS Shamli, UP in response to the queries noted above within two weeks.

13. List on 18<sup>th</sup> November, 2021 when SHO PS Shamli and the investigating officer will be present in Court.

14. Copy of the order be given to learned counsel for the State, SHO PS Jyoti Nagar as also SHO PS Shamli, as also learned counsel for the petitioner Dasti besides uploading on the website.

**MUKTA GUPTA, J.**

**OCTOBER 28, 2021**  
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