

\$~7.

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

+ W.P.(CRL) 1530/2020

SANGEETA

..... Petitioner

Through: Mr. Deepak Tyagi, Advocate along  
with petitioner in person.

versus

GOVT. OF NCT DELHI

THROUGH ITS SECRETARY & ORS.

..... Respondents

Through: Mr. Chaitanya Gosain, Advocate for  
Mr. Rahul Mehra, Standing Counsel,  
along with SI Ram, for the State.

**CORAM:**

**HON'BLE MR. JUSTICE VIPIN SANGHI**

**HON'BLE MR. JUSTICE RAJNISH BHATNAGAR**

**ORDER**

**29.09.2020**

%

Status report has been filed. As per the status report, the petitioner's minor daughter Komal has been recovered from Hathras (UP). She has been produced in Court. Mr.Chaitanya Gosain submits that she is three months' pregnant. Mr. Gosain further submits that statement under Section 164 Cr.P.C would be got recorded today. Presently she has been housed at Nari Niketan and the accused-Sandeep-respondent no.3 is in judicial custody.

We have interacted with Komal. We have also interacted with her mother, the petitioner. Komal states that she does not wish to return to live with her parents. Her mother Sangeeta states that she would like to take her

daughter to home. She also assures that Komal would be looked after and kept properly. Despite this assurance, Komal is not willing to go with her mother.

Considering the fact that Komal is a minor, we cannot let her go anywhere according to her wish. We, therefore, direct that she should continue to be housed at Nari Niketan and she should also be provided counselling considering the fact that she is three months' pregnant so that she is able to take responsible decision with regard to continuation/discontinuation of her pregnancy.

Since the petitioner's daughter Komal has been recovered, this petition does not survive any further. However, we would not like to leave this serious matter unattended.

In this case, the petitioner had made a complaint to the police on 27.05.2020. The FIR was registered vide FIR No. 282/2020 on 28.05.2020 under Section 363 IPC at P.S.Mayur Vihar, Delhi. Despite the accused/respondent no.3 being named, it appears that no serious effort was made to locate her. It was only when this petition was preferred and we directed transfer of the investigation to AHTU (Crime), then soon thereafter Komal has been recovered and the accused apprehended from Hathras (UP). This delay on the part of the police in carrying out effective investigation has ruined not only the life of Komal but also the accused and put in dark the future of the child that Komal is carrying in her womb.

We are not only anguished, but also disgusted at the manner in which the police carries out investigation in such like cases particularly when it involves the poor strata of the society. The petitioner works as a housemaid and her complaint/FIR was, therefore, neglected and not acted upon with the

urgency that it deserves. We direct the Commissioner of Police to take serious and effective action against the police personnel concerned, who were recalcitrant and failed to perform their duties in the case. The action taken against those found guilty of negligence and dereliction of duty should be such that it send message to the entire police force.

Let the copy of this order be placed before the Commissioner of Police, Delhi for his knowledge and compliance. Status report be filed in this regard before the next date of hearing.

As recorded in previous order, Komal got married to respondent no.3 on the basis of the Date of Birth disclosed in the Adhaar Card, wherein she has been shown to be more than 18 years. This aspect would also need to be investigated and appropriate sections of law added to the case.

List on 16.12.2020.

**VIPIN SANGHI, J**

**RAJNISH BHATNAGAR, J**

**SEPTEMBER 29, 2020/ib**