

Rekha Devi vs State (Nct) Of Delhi & Ors on 18 January, 2019

Author: Hima Kohli

Bench: Hima Kohli, Manoj Kumar Ohri

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(CRL) 149/2019
REKHA DEVI

Through Mr. Tahir Ashraf Siddiqui, Adv. with
Petitioner in person. Petitioner

versus

STATE (NCT) OF DELHI & ORS Respondents
Through Mr. Rahul Mehra, Standing Counsel
(Crl.)
SI Rajiv Singh, Insp. Madan Lal, P.S.
Mehrauli.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI
ORDER

% 18.01.2019 Crl. M. A. 1038/2019 (for exemption) Exemption allowed. Subject to all just exceptions. W.P.(CRL) 149/2019

1. The present petition has been filed by the mother of the missing girl, Poornima, aged 22 years. It is stated that on 27.06.2018, Poornima had gone to the office of ACI Project India, Chattarpur Extension to work as an intern but she did not return home. A complaint was lodged in this regard on 27.06.2018 with P.S. Mehrauli. In the said missing report itself, the petitioner's father had mentioned the name of one Anil and Deepesh Gupta along with their mobile numbers and stated that he had a suspicion that they W.P.(CRL) 149/2019 page 1 of 4 had a role in Poornima's going missing.

2. Learned counsel for the petitioner states that despite this, Delhi Police did not take any step to register an FIR till as late as 13.11.2018 and even when the said FIR was finally registered, instead of specifically naming the aforesaid two persons therein, the same has been registered against 'unknown persons'.

3. A Status Report is handed over by Mr. Rahul Mehra, learned Standing Counsel (Crl.) for the State, signed by the SHO, PS Mehrauli, wherein it is stated that on 29.06.2018, wireless messages were flashed all over India including Delhi; on 02.07.2018, information in respect of the missing girl was sent to the CIC Section, CBI, Delhi and to all local Police Stations and other steps as laid down in the SOP were taken including issuing hue and cry notices, uploading information about the missing girl

on the ZIPNET, issuing newspaper publications; constituting a team to visit various hospitals, railway stations, bus stops, hotels, guest houses etc. in Delhi. Further, the IMEI number of the mobile phone of the missing girl was obtained from the service provider, but no clues have emerged therefrom. From 06.07.2018, Anil Kumar against whom the parents of the missing girl had raised a suspicion was interrogated on several dates. He had revealed that he was with Poornima at a hotel, Global Inn, Mahipalpur, Delhi between 27.06.2018 and 28.06.2018. On taking the CCTV footage from the hotel, it was observed that Anil Kumar was sitting in the hotel and Poornima had reached there on her own. On 28.06.2018, both of them had checked out from the hotel. On obtaining the call details of Anil and Poornima from the service providers, it was found that Poornima had sent a message to her W.P.(CRL) 149/2019 page 2 of 4 brother on 28.06.2018 at 8:40 a.m. The other person, Deepesh Gupta, who happens to be a friend of Anil Kumar, was also examined. He had stated that he was with the missing girl on 28.06.2018, but not thereafter.

4. Learned Standing Counsel (Crl.) for the State states that Anil Kumar had moved an application before the learned Addl. Sessions Judge, Saket Court, New Delhi, alleging harassment at the hands of the Police Officers. Based on the said application, directions were issued by the learned ASJ that no coercive steps shall be taken against him. We are informed that an internal inquiry has been initiated by the Vigilance Department in respect of the police officials named by Anil Kumar, which is pending.

5. On perusing the Status Report, it is clear that no effective steps were taken by the Police from July, 2018 till 13.11.2018, to register the FIR on the basis of a missing report lodged in respect of Poornima. In view of the gross incompetence and lack of initiative shown by the local police, it is deemed appropriate to direct that the matter shall stand transferred forthwith to the AHTU. Henceforth, the investigation shall be supervised by the concerned DCP. The next Status Report shall be filed by the DCP, AHTU, District South, New Delhi.

6. Besides the said Status Report, the SHO, PS Mehrauli shall file a separate Status Report before the next date, explaining inter alia the failure to register the FIR for almost five months and after the FIR was finally registered in November 2018, failure to mention the names of the two persons suspected by Poornima's parents and instead, proceeding to register the same against unknown persons.

7. List on 19.02.2019.

W.P.(CRL) 149/2019 page 3 of 4

8. A copy of this order shall be given DASTI to the learned Standing Counsel (Crl.) for being placed before the Commissioner Police, Delhi for perusal and to direct an enquiry and take action against the concerned officers for their failure to register an FIR at the earliest.

HIMA KOHLI, J

MANOJ KUMAR OHRI, J

JANUARY 18, 2019/ 'j/dc'

W.P.(CRL) 149/2019

page 4 of 4