

Ms Manisha Kumari vs The State (Govt. Of Nct Of Delhi) & Ors on 12 November, 2020

Author: Vipin Sanghi

Bench: Vipin Sanghi, Rajnish Bhatnagar

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IN THE HIGH COURT OF DELHI AT NEW DELHI
W.P.(CRL) 1842/2020
MS MANISHA KUMARI

Through: Mr. M. Hasibuddin
Ghosh, Advocates.

versus

THE STATE (GOVT. OF NCT OF DELHI) & ORS..... Re

Through: Mr. Rahul Mehra, S
& Mr. Chaitanya Go
for the State.
Mr. O.P. Upadhyay,
along with respond
person.
Mr. Vikas Bisht, D
Dream Society Reha
Dehradun.
Constable Akshay C
Delhi Police with
Sharma, in person.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

% 12.11.2020

1. Constable Akshay Chaudhary of Delhi Police is at the Golden Dream Society Rehabilitation Centre situated at Dehradun, in compliance of our last order. Ms. Sweety Sharma has been produced through video-conferencing.

2. We have interacted with Ms. Sweety Sharma. She states that she is not addicted to any narcotic or other substance and she was illegally admitted and detained at the said Deaddiction Centre.

3. Mr. Vikas Bisht, Director of Golden Dream Society Rehabilitation Centre, Dehradun has also come on screen. We have asked him as to what medical records, or other documents they have in their possession to support the claim that Ms. Sweety Sharma requires rehabilitation at the said Centre. Mr. Vikas Bisht states that Ms. Sweety Sharma is not suffering from any addiction and that she does not require rehabilitation. On our query, as to why she had been detained at the said

Centre, he states that Ms. Sweety Sharma continues to remain at the said Centre out of her own free will.

4. Mrs. Asha Sharma (mother of Ms. Sweety Sharma) and Mr. Gagan Sharma (brother of Ms. Sweety Sharma) - who are respondents No.2 & 3, are also present along with their counsel. We have also interacted with Mrs. Asha Sharma, the mother. What emerges from our interaction with Mrs. Asha Sharma is that her real concern qua Ms. Sweety Sharma is that she is under strong influence of, and in relationship with one Mr. Shah Nawaz - a married man with two children. She states that Ms. Sweety Sharma and the petitioner are intent upon ensuring that Ms. Sweety Sharma remains under the said influence. She states that Mr. Shah Nawaz has been exploiting Ms. Sweety Sharma for the past 2 1/2 years and would continue to do so.

5. We have counselled Ms. Sweety Sharma separately. She states that she does not wish to have any alliance with either Mr. Shah Nawaz, or with her mother.

6. In the aforesaid circumstances, we firstly direct Constable Akshay Chaudhary to ensure immediate release of Ms. Sweety Sharma from the Golden Dream Society Rehabilitation Centre, Dehradun. Ms. Sweety Sharma shall be free to leave the said Centre and proceed wherever she desires - considering the fact that she is a major and entitled to take her own decisions.

7. The role of Golden Dream Society Rehabilitation Centre, Dehradun appears to be dubious and suspect. It is not disclosed under what circumstances the said centre initially admitted Ms. Sweety Sharma. Though, Mr. Vikas Bisht has stated before us today that Ms. Sweety Sharma is not suffering from any addiction and does not require rehabilitation, it is not explained, and it is not clear to us as to why Ms. Sweety Sharma was admitted and kept at the said centre for over three weeks. The possibility of the said Centre being misused for the purpose of forcibly detaining people on the ground that they require rehabilitation, cannot be ruled out. Since Ms. Sweety Sharma did not suffer from any addiction, there could possibly be no reason for the said Centre to detain Ms. Sweety Sharma since 20.10.2020. Considering the fact that we are on 12.11.2020, nearly 22 days have expired since Ms. Sweety Sharma has been detained at the said Centre, for no rhyme or reason. We, therefore, direct registration of a case against the said Centre and its Director Mr. Vikas Bisht and all others responsible, for illegal detention of Ms. Sweety Sharma at the said Centre under the appropriate provisions of law by Delhi Police. In case, Delhi Police is not in a position to investigate the said case for lack of jurisdiction - an issue which we have not examined and, therefore, do not pronounce upon, the FIR shall be transferred to the Police Station having jurisdiction over the area where the Golden Dream Society Rehabilitation Centre is located at Dehradun.

8. Considering the fact that the said Centre is situated at Dehradun, and there could be other instances like that of Ms. Sweety Sharma - where persons may have been detained in similar fashion for ulterior motives, we are inclined to direct conduct of a preliminary inquiry by the Central Bureau of Investigation (CBI) into the affairs of the Golden Dream Society Rehabilitation Centre at Dehradun. The CBI shall examine the complete records, activities & ongoings at the said Centre, and if a case is made out, register a case under the appropriate provisions of the law.

9. We are conscious of the fact that such a direction is not to be issued in the ordinary course. However, we are inclined to do so considering the fact that the said Centre is located in the State of Uttarakhand and, therefore, it would not be possible for Delhi Police to investigate the aspects.

10. During our interaction with Ms. Sweety Sharma and Mr. Vikas Bisht, it has transpired that Mrs. Asha Sharma (respondent No.2) had laid down conditions for Ms. Sweety Sharma to comply with, in case she has to be released from the said Rehabilitation Centre. Since Ms. Sweety Sharma was not willing to comply with those conditions, she continued to remain at the said Centre. We fail to understand as to how the said Centre could have insisted on compliance of any conditions that respondent No.2 had laid down in regard to Ms. Sweety Sharma, considering the fact that she is a major. Mr. Vikas Bisht states that the Centre has charged Rs.8,000/- from respondent No.2 for keeping Ms. Sweety Sharma. In these circumstances, we direct the Golden Dream Society Rehabilitation Centre to refund the said amount. Since it is Ms. Sweety Sharma - who has been detained in confinement at the said Centre, we direct that the said amount be paid to Ms. Sweety Sharma, rather than respondent No.2. The said compensation shall be paid forthwith to Ms. Sweety Sharma at the time of her release.

11. During our interaction with Mrs. Asha Sharma, she has pointed out that Mr. Shah Nawaz has been issuing threats to her and her son Mr. Gagan Sharma. She has also made complaints in this regard at PS - Bindapur. She had earlier made similar police complaint at PS - Shahdara as well. However, on those complaints, no FIR has been registered and no action has been taken. Unfortunately, this is the usual trend that we see in such like cases. People who come from the poorer strata of the society hardly ever are heard by the police and their complaints remain unactioned.

12. We direct the Commissioner of Police, Delhi to take action, not only against the erring police officials but also to ensure that appropriate action is taken on the police complaints made by Mrs. Asha Sharma. We direct the local police station to ensure that Mr. Shah Nawaz does not come to the residence of respondent No.2, or loiter around the said place.

13. Since Ms. Sweety Sharma has been located and directed to be released, this petition has, otherwise, become infructuous. However, we keep the matter pending for filing status reports by the Delhi Police and the CBI in compliance of our directions.

14. List on 11.01.2021.

VIPIN SANGHI, J RAJNISH BHATNAGAR, J NOVEMBER 12, 2020 B.S. Rohella