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

+ W.P.(CRL) 2556/2018

SMT. DOLLY

..... Petitioner

Through: Ms. Inderjeet Sidhu, Advocate.

versus

STATE & ORS.

..... Respondent

Through: Mr. Rahul Mehra, Standing Counsel,
GNCTD with Mr. Chaitanya Gosain,
Advocate with SI Indu Mehra, PS
Palam Village.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

28.09.2018

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The petitioner's minor daughter Himani @ Sweety has been produced. We have interacted with her in Chamber. We have also interacted with the petitioner and her husband, who are the parents of Himani in Chamber. Himani states that she was forcibly taken by respondent No.3– Arun Kumar. She was taken to Mumbai. She states that Arun and his mother had given her a beating and, under coercion she had given the statement under Section 164 Cr.P.C. before the Ld. MM, implicating her parents. She states that her parents have always been loving and caring and she has no complaints against her parents.

We may observe that she has been produced from Nirmal Chhaya where she has been residing since 22.09.2018. She has assured the Court

that she shall conduct herself in a responsible manner after returning to her parents.

Himani has further stated that respondent No.3- Arun Kumar has been stalking her and harassing her for quite some time and even threatened to throw acid on her. She had even made a complaint in this respect on 31.07.2015. A copy of the said complaint has been placed on record wherein Arun Kumar has been named as the person who is harassing Himani.

The petitioner and her husband, are willing to take back Himani on the assurance by Himani that she shall not falsely implicate them. It is unfortunate that there has been some loss of confidence and faith on the part of the petitioner and her husband on account of the conduct of Himani in recording her statement under Section 164, implicating them. However, considering the fact that Himani has disclosed the reason for recording her statement under Section 164 Cr.P.C., namely the beatings given to her and the coercion exercised by Arun Kumar and his mother, we accept the said explanation.

In these circumstances, the petitioner and her husband are willing to take Himani from the Court itself. We have also counselled the petitioner and her husband not to scold or taunt Himani on account of the unfortunate incident leading to her going missing on 17.06.2018. They have given the assurance to the Court that they shall look after Himani lovingly and take good care of her.

Accordingly, Himani is directed to be released in the custody of the petitioner and her husband from the Court itself. Her belongings, if any, shall be collected by the I.O. and delivered to the residence of Himani

during the course of the day.

Considering the statement made by Himani and the fact that a complaint of stalking and harassment had been made against respondent No.3 as early as on 31.07.2015, we direct the SHO, PS Palam Village to ensure the safety and security of the petitioner, her husband, Himani and other family members from any threat or coercion that may be exercised by respondent No.3 or his mother.

The mobile phone number of the beat constable shall be provided to the petitioner, her husband, Himani and her brother and, in case, if any call is received from either of them, the same should be attended to with all seriousness. One lady constable in plain clothes shall visit the residence of the petitioner every day for the next 10 days and, thereafter, on a weekly basis to find out about the well being of Himani.

The petition stands disposed of in the aforesaid terms.

Copy of this order be given dasti under the signatures of the court master.

VIPIN SANGHI, J

I.S.MEHTA, J

SEPTEMBER 28, 2018

N.Khanna