

Standing Order

No.	Issue Date	Issued By	Issuing Unit	Issuing Branch
359/2008	22/12/2008	Commissioner Of Police	Police Head Quarters	2801-3050/record branch/phq

Subject : Instruction reg. registration of cases u/s 363-IPC [Kidnapping].

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DelhiPolice

STANDING ORDER NO. 359 OF 2008

Instruction reg. registration of cases u/s 363-IPC [Kidnapping].

The Hon'ble High Court of Delhi, while disposing of the Criminal petition No. 230/07 titled Smt. Mana Begum & Anr. V/s Puthan Khan & Ors. has observed vide order dated 24/11/2008, as under:

That the above petition was filed for quashing of FIR No. 514/2006 U/s 363-IPC, PS Hauz Khas New Delhi. The said FIR was lodged by the local police on the statement of the father of girl alleging that his daughter was kidnapped by one Wasim Khan without his or his daughter's consent. In his complaint he mentioned the age of his daughter as 16 years. On the basis of the above, FIR was lodged.

Later, the petitioner Smt. Mena Begum, daughter of the complainant submitted a marriage certificate issued by the court of Magistrate/Marriage officer, Distt. Lakhimpur Kheri, U/s 13 of Special Marriage Act, 1954, bone age X-ray dated 10/10/2006 issued by the office of CMO, Lakhimpur Kheri and an affidavit for the SHO/Hauz Khas, where she has mentioned that she is mature in age and married with Wasim Khanat her own will and is living happily with her husband Wasim Khan. As her father against her marriage and he had made the false complaint, she requested that the present case registered against her husband may be cancelled. The petitioner also requested the President of India vide letter dated 04/09/2006 for dropping the present case.

The Hon'ble Court has given explicit directions that "In case where the information regarding proof of marriage and age has been received at police station, in such cases, firstly, they shall not register the case, if registered, immediately they shall provide protection to the married persons and shall take steps for cancellation of the FIR. Any type of delaying tactics on the part of the IO should not occur in future and couples, like this, as in present case, would not be forced to live in a trauma or any fear from any corner".

The High Court has directed that these instructions be implemented forthwith and a compliance report to the Hon'ble Court be sent within one week thereafter. The DCsp/Districts, Spl. Cell, Crime Branch, IGI Airport, CAW Cell etc. to submit the compliance report within one week after issue of this Standing Order so that a compliance report could be submitted in the Hon'ble High Court.

The directions passed by the Hon'ble Supreme Court of India in Crl. Writ Petition No. 610-96-Hori Lal Vs. CP/Delhi & Ors. as well Hon'ble High Court of Delhi in Crl. Writ Petition No. 869/98-Rewati Ram Vs. State circulated vide this Hdqrs. Circular No. 6/2003 conveyed vide endst. No. 11-H-96-SC-470-520-C&T, AC-V, dated 03/01/2003 regarding kidnapping of minor girls may also be followed strictly. It is also emphasized that in each and every case of kidnapping, the investigation of the case needs to be carried out under the supervision of the ACP and monitored by the District DCP.

(Yudhbir Singh Dadwal)

COMMISSIONER OF POLICE DELHI

Order Book No.2801-3050/Record Branch(PHQ),dated Delhi, the 22/12/2008

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