

7

\$~9

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

+ W.P.(CRL) 971/2011

SUNIL KUMAR

Through

..... Petitioner
Mr. Javed Ahmed and Mr. Pradeep
Kumar, Advocates.

versus

STATE NCT OF DELHI & ORS.

Through

..... Respondents
Mr. Pawan Sharma, PP for the State.

CORAM:

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MS JUSTICE VEENA BIRBAL

ORDER

24.10.2011

%

The Petitioner had married Neelam on 13.12.2010. Thereafter, they resided together in their matrimonial home. On 28.06.2011, on the complaint of Neelam's mother, she was produced before the Magistrate where she made a statement under Section 164 Cr.P.C. which did not implicate the Petitioner. She stated that she had got married out of her volition and that she was 18 years of age. However, she was directed to be kept at Nirmal Chhaya and accordingly she was staying at Nirmal Chhaya when, on 20.09.2011 she gave birth to a baby girl at DDU Hospital. Unfortunately, the child passed away while they were in the hospital on 22.09.2011.

We also note from the status report submitted on behalf of the State that as there was some dispute with regard to her age, Neelam had been taken for medical examination to Babu Jagjivan Ram Hospital. As per the report dated 15.12.2010 of Dr. Shipra, her age was determined as being 17 to 18 years as on 15.12.2010.

Signature Not Verified

Signing Date:05.09.2024 17:03:50
Certify that the digital and physical file have
been compared and the digital data is as per
the physical file and no page is missing.

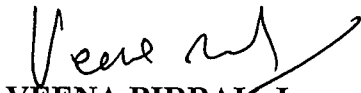
Hence, giving the advantage of plus two years, she would have been 19 to 20 years as on 15.12.2010 and, therefore, at present she could easily be regarded as definitely being over 18 years of age.

In this backdrop, we had asked Neelam as to where she wants to reside. She has categorically stated that she wants to reside with her husband, i.e., Sunil Kumar (the Petitioner herein). We may also note that her mother is present in court and she does not approve of the marriage however, since Neelam is over 18 years of age there is no option left with us but to direct that she may not return to Nirmal Chhaya and that she can leave the court premises with her husband. The learned counsel for the Petitioner states that he is not pressing prayer (i) of this writ petition and liberty may be granted to the Petitioner to pursue his remedies in accordance with law.

With these directions and the aforesaid liberty, the writ petition stands disposed of.

A copy of this order be given dasti under the signature of the Court Master.


BADAR DURREZ AHMED, J


VEENA BIRBAL, J

OCTOBER 24, 2011
dk