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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(CRL) 1469/2011

MEHMOOD ALAM

..... Petitioner

Through Md. Mobin Akhtar, Advocate

versus

STATE NCT OF DELHI & ORS

..... Respondent

Through Mr Pawan Sharma, St. Counsel.

CORAM:**HON'BLE MR JUSTICE BADAR DURREZ AHMED****HON'BLE MS JUSTICE VEENA BIRBAL****ORDER**

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24.11.2011

We have heard the petitioner as well as his wife Ruby Khatoon as well as their respective fathers in chambers. There is some dispute with regard to the age of Ruby Khatoon. While the petitioner and Ruby Khatoon allege that the latter is over 18 years of age, the father of Ruby Khatoon alleges that she is less than 18 years of age. There is, however, no definite proof with regard to the age of Ruby Khatoon except that Ruby Khatoon has a report card of a school which she attended, wherein her date of birth has been given as 15.07.1993 which would make her over 18 years of age. Ruby Khatoon's father has produced a birth certificate which has been prepared only recently on 14.11.2011 where the name is also not recorded. Considering the fact that the earliest record that we have is that of the school report card, we feel that it would be safe to conclude that Ruby Khatoon is over 18 years of age. That being the position, we ascertained from her as to whether she wants to reside with her husband or not. She has stated in clear and categorical terms that she wants to reside with her

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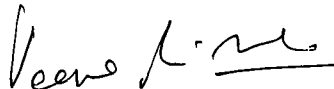
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husband and that she does not wish to continue to stay with her parents. In these circumstances, Ruby Khatoon is free to leave the court premises along with her husband and reside with him in their matrimonial home. The petitioner has assured this court that he will take good care of Ruby Khatoon and that there would be no occasion to complain. A similar assurance has been given by the petitioner's father Noor Alam, who is also present in court.

With these observations, the writ petition stands disposed of.

Dasti.


BADAR DURREZ AHMED, J


VEENA BIRBAL, J

NOVEMBER 24, 2011

srb