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

+ **W.P.(CrI).2179/2015**

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Order dated 29th September, 2015

SH. SAHIL @ RAJA

..... Petitioner

Through : Md. Shahjan Islam, Advocate along with
the petitioner in person.

versus

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

Through : Mr. Amrit Singh, Advocate for Mr. Rahul
Mehra, Standing Counsel for the
State/Respondents no.1 and 4 along with
Inspector Jagdish Rai and SI Yogesh, P.S.
Timarpur.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J (ORAL)

CrI.M.A.14380/2015

1. Exemption allowed subject to all just exceptions.
2. Application stands disposed of.

W.P.(CrI).2179/2015

3. This is the third round of litigation. The petitioner claims to have married Ms. Rubina, daughter of respondents no.5 and 6. By the present petition filed under Article 226 of the Constitution of India, petitioner seeks a writ of *habeas corpus* and a direction to the respondents for production of Ms. Rubina and to hand over the custody to the petitioner. A direction is also sought to the parents of Ms. Rubina that they may not arrange the second marriage of Ms. Rubina.

4. We may notice that an earlier writ petition being W.P.(Crl).140/2015 was filed before this Court. The order of 28.05.2015 reads as under:

“Present petition has been filed by the petitioner seeking a direction for production of Rubina and to handover the custody of Rubina to the petitioner and also seeking a direction to respondent no. 4 to protect the petitioner and Rubina from the interference of respondent no. 5 and his family members and the smooth married life of the petitioner and his wife Rubina.

Notice was issued in the matter.

On 26.05.2015, we had heard the father of Rubina in the chamber.

Pursuant to the directions of this court, Rubina has been produced in court. She submits that she wishes to stay with her parents and she does not want to join the company of the petitioner. In view of the stand taken, the petition is not pressed.

Dasti under the signatures of Court Master to the parties, as prayed.”

5. In view of the categorical stand taken by Ms. Rubina on 28.05.2015, we decline to issue notice in the matter and seek presence of private respondents and Ms. Rubina from District Kulgam, J & K.
6. The writ petition is dismissed.
7. At this stage, counsel for the petitioner seeks liberty to file a petition in the Jammu and Kashmir High Court. It would be open for the petitioner to seek such remedy as available in accordance with law.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

SEPTEMBER 29, 2015

pst