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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2464/2015**

SUNIL @ BHURA

..... Petitioner

Through : Mr. Vikram Dua and Mr. Vijay Kumar,
Advocates with petitioner and his mother.

versus

GOVT OF NCT OF DELHI & ORS.

..... Respondents

Through : Mr. Rahul Mehra, Standing Counsel (Crl.) with
Mr. Amrit Singh, Advocate, Inspector Ram
Kishan, PS-Hari Nagar.
Respondent No. 4 in person.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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15.12.2015

Present writ petition has been filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure for issuance a writ of Habeas Corpus for directing the respondents to produce/recover the wife of the petitioner namely Anjali, who is stated to be in wrongful confinement of her step father.

Notice in the petition was issued. Respondent Nos. 3 and 4 were directed to produce Ms. Anjali in Court. On 29.10.2015, the following order was passed.

“Pursuant to the directions passed by this Court on 20.10.2015, Ms. Anjali and her mother, respondent No.4, have been produced in Court. She reiterates that she has married the petitioner out of her own free will and wishes to reside with him.

Learned counsel for the petitioner suggest that Ossification Test of Ms. Anjali be carried out as her School Leaving Certificate is not based on any authentic document.

List on 15.12.2015, when Ms. Anjali and her mother shall remain present in Court.”

Learned counsel for the petitioner submits that as per Ossification Test Report, the age of Ms. Anjali is between 17-18 years and accordingly Ms. Anjali should be permitted to stay with her husband. Ms. Anjali submits that she had left the parental home out of her own free will and joined the company of her husband. We have again asked Ms. Anjali as to whether she would stay with her mother or her husband. She has reiterated that she wants to reside with her husband and she had left her parental home voluntarily.

At this stage, Smt. Sushila, mother of Ms. Anjali submits that she does not want to take her daughter home. She further submits that in future she and her family would have no concern with her (Ms. Anjali).

In view of the Ossification Test Report, Ms. Anjali is free to join the company of her husband. In view of the apprehension expressed by Ms. Anjali, concerned SHO shall ensure the police protection to the couple.

With these directions, present writ petition stands disposed of.

Copy of the order be given dasti under the signatures of Court Master.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

DECEMBER 15, 2015

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