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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2461/2015**
KAJAL & ANR

..... Petitioner

Through: Mr. Bharat Bhushan, Adv.

versus

THE COMMISSIONER OF POLICE & ORS

..... Respondent

Through: Ms.Kamna Vohra, ASC
ASI Dalbir Singh, P.S. Mundka
Mr. Mitabh Gosain and Mr. S.S. Raghav, Advs.
for R-2

CORAM:

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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20.10.2015

The petitioner No.2 is said to have married petitioner No.1. The aforesaid marriage was without any pressure or coercion and out of free will of the petitioners. Petitioner No.1 came in contact with petitioner No.2 and the acquaintance turned into a close association leading to marriage.

It has been submitted that a case has been lodged by respondent No.3, the mother of petitioner No.1 (Kajal) under Section 363 of the IPC (P.S. Mundka). In the aforesaid FIR it has been alleged that Kajal (Petitioner No.1) is of 15 years of age and is a minor. The aforesaid FIR was lodged on 28.9.2015.

The learned counsel for the petitioner in response to such a disclosure by the counsel for the complainant and the State submits that the entire academic records of petitioner No.1 is in custody of her mother and that

petitioner No.2 is very sanguine that a wrong date of birth is mentioned in the certificate whereas petitioner No.1 is a major. Under such circumstances, it is prayed by the petitioners that in case of any doubt about the age of petitioner No.1, she is agreeable for any ossification test for determination of her age.

In any view of the matter, since it is a disputed question of fact whether the petitioner No.1 is of age to marry or not, this Court is not inclined to direct any protection to the petitioner No.2 or for that matter petitioner No.1.

Under these circumstances, the petition is permitted to be withdrawn.

The petition is dismissed as withdrawn.

ASHUTOSH KUMAR, J

OCTOBER 20, 2015

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