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

Judgment delivered on: 20th November, 2015

+ W.P. (Crl.) 2665/2015

AARTI SHARMA AND ORS. Respondents
Represented by: Mr. Kamlesh Kumar Mishra,
Mr. Anurag Ojha, Mr. Arun Kr. Tiwari, Advs.
with petitioners in person.

versus

THE COMMISSIONER OF POLICE AND ORS. Respondents
Represented by: Ms. Meenakshi Chauhan, APP
for State.

CORAM:
HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

Crl. M.A.16984/2015 (for exemption)

Exemptions allowed, subject to all just exceptions.

Accordingly, the application is allowed.

+ **W.P.(Crl.) 2665/2015**

1. Vide the present petition; petitioners seek directions thereby providing immediate police protection to the couple, i.e., petitioner nos. 1 and 2 ensuring safety to their lives and livelihood.

2. Further seeks directions not to take any coercive steps against them by the police.

3. Facts of the case in brief are that Petitioner no.2 Shrikant Jaal, who is an orphan boy met with an accident and received grievous injuries. Accordingly he was admitted in Lady Harding Hospital. From there, he was adopted by Salam Balak Trust (NGO), Near Tis Hazari Courts, New Delhi. Since then he was staying in premises of said Trust and presently working as a Music Teacher in the Girls' Hostel run by the said trust. He is getting a salary of Rs.8,000/- per month from the said trust and also earning from home tuitions.

4. As per norms of the Trust, if an orphan attains the age of 18 years, then he has to stay outside the Trust premises. However, due to the injuries on both of his legs, petitioner no. 2 continued to stay over there even after attaining the age of 18 years. However, in the month of February, 2015, he shifted his place of residence, on rent, to House no. 55, 3rd Floor, Gali No. C-3, MS Block, Ranaji Enclave, Nazafgarh, New Delhi. There, the petitioner no. 2 fell in love with petitioner no.1, who was staying nearby petitioner no. 2. It is evident from the petition that petitioner no.2 was born on 01.01.1993 and petitioner no. 1 was born on 19.05.1996. Thus, both being major got married on 18.11.2015 at Arya Samaj Vaidik Mandal (Regd.) and marriage certificate to this effect is annexed as Annexure P1 with the petition.

5. Ld. Counsel appearing on behalf of the petitioners submits that on the false complaint of family members of petitioner no.1, police may register a case against the petitioners and arrest them.

Since, petitioner nos. 1 and 2 are major and married each other with their own freewill, without coercion and pressure, they may be provided police protection.

6. Since, this petition received by this Court from the Registry at 4.30 PM, therefore it is taken up for final disposal in the Chamber.

7. Petitioners are personally present in the Court. Petitioner no.1 submits that her father including family members and other relatives wanted to get her married to some other unknown person without her consent and having got to know about her marriage with petitioner no. 2, they threatened them with dire consequences. Thus their life is under threat from her father and other relatives. She further submits that she was born on 19.05.1996 and studied up to 10+2 and she is a major. She married with petitioner no. 2 with her own freewill without any coercion or pressure from any corner. However, since her parents and other relatives do not like this marriage, therefore, they may rope her husband, i.e., petitioner no. 2 in a false case. Therefore, their life and livelihood may be protected. She further submits that her educational certificates, Aadhar card including other belonging are lying in her house at House no. 59, Gali No. C-3, M.S. Block, Ranaji Enclave, New Delhi. Thus, the above-mentioned articles may be allowed to be taken out from her house with the aid of police. In view of the above, SHO, PS-Nazafgarh, New Delhi is directed to collect her articles lying in the premises mentioned above and hand over to her.

8. Petitioner no.2 states that they left their respective houses on 09.11.2015 and thereafter married on 18.11.2015. Since then, he never visited his rented accommodation mentioned above. He submits that his musical instruments and other household articles are lying in the said premises and that may also be allowed to be taken out from there with the aid of police.

9. It is stated by the petitioner nos. 1 and 2 that today onwards till further arrangement, they will stay at 48, B-16, Laqshya Building, Christian Colony, Patel Chest, North Campus, New Delhi-7, which is the address of Mr. Kamlesh Kumar Mishra, Advocate for the petitioners and falls under the Police Station-Maurice Nagar. Accordingly, SHO, PS-Maurice Nagar is directed to assess the perception of threat and accordingly provide the security to petitioner nos. 1 and 2. SHO, PS-Maurice Nagar is further directed to take petitioner no. 2 to his rented premises mentioned above at Nazafgarh under police protection helping him to take out his household goods from the said premises. The above-mentioned SHO is further directed to provide his Mobile no. and Mobile of his concerned Beat Constable to the petitioner nos.1 & 2. so that if they apprehend any threat from any corner, they may contact them and action could be accordingly taken against the culprit.

10. I hereby make it clear that if the lock of the rented house of the petitioner no. 2 is changed by someone, that will be broken with

the aid of the police and household articles will be taken out from there.

11. Petitioner no.3 who is friend of the petitioner nos. 1 and 2 is also having some apprehension that being their friend, parents of the petitioner no. 1 may get a case registered against him or may cause physical injury to him. He further submits that he is pursuing B.A. in Music (Hons.) from Ramjas College and since the date of marriage of the petitioner nos. 1 and 2, he is with them. Thus, he also apprehends that any untoward may also occur with him. Since, he is staying at 1653, Second Floor, Outram Lines, G.T.B. Enclave, Kingsway Camp, New Delhi, which falls under the jurisdiction of PS-Mukherjee Nagar. Therefore, SHO, Mukherjee Nagar is directed to provide him police protection if necessary and also provide his Mobile no. and Mobile no. of his concerned Beat Constable so that in the event of any threat he may contact them.

12. Keeping in view the above facts that the petitioner nos.1 and 2 are major and married on 18.11.2015 and marriage certificate to this effect is on record, therefore, I am of the considered opinion that if any complaint is filed by the parents of the petitioner no. 1 with any Police Station in Delhi and the same is converted into FIR, the concerned SHO is directed to take steps to get the said FIR cancelled.

13. In view of above directions, present petition is disposed of.

14. A copy of this order be given *dasti* to the Id. Counsel for the petitioners and Id. APP appearing on behalf of the State under the Signatures of the Court Master.

15. A copy of this order be also sent to SHO, PS-Nazafgarh, SHO, PS-Maurice Nagar and SHO, PS-Mukherjee Nagar for compliance.

SURESH KAIT, J

NOVEMBER 20, 2015

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