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.... Petitioner

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Senior Superintendent of Police, Vaishali at Hajipur.
4. The Station House Officer, Hajipur, Vaishali.
5. The Commissioner of Police, N.C.T., Delhi.
6. The Station House Officer, Shalimarbagh, New Delhi, Resident of House No. H-732, Gyan Shakti Mandir, Marg, Block BH, West Shalimarbagh, P.S. – Shalimarbagh, District – North West Delhi, New Delhi.
7. Mr. Raj Singh, son of not known, resident of Accountant General-178, P.S. - P.S. – Shalimarbagh, District – North West Delhi, New Delhi – 110 088.
8. Kavita Yadav, daughter of Raj Singh, resident of Accountant General-178, P.S. – Shalimarbagh, District – North West Delhi, New Delhi – 110 088.
9. The Union of India, through the Secretary Home Ministry, Government of India, New Delhi.

.... Respondents

For the Petitioner	:	Mr. Gaurav Pratap, Advocate
For the Union of India	:	Mr. S.D. Sanjay, ASG
		Mr. Arvind Kr. Tiwary, CGC
For the Respondents	:	Mr. Md. Nashrul Hoda Khan(SC1)

And

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

5. 15-11-2016 By this application, the petitioner seeks restitution of the company of respondent no. 8, Kavita Yadav. He alleges that they had been married, but though



his parents accepted the inter-cast marriage, the parents of the girl are not accepting the same. They had earlier moved the Delhi High Court for protection. When things cooled down, the protection was surrendered. But thereafter, deceitfully, respondent no. 7, the father of respondent no. 8, took charge of respondent no. 8 and is not letting the petitioner to communicate with respondent no. 8, his alleged wife, nor letting her to come and stay with him.

In our view, there are adequate provisions under the Code of Criminal Procedure, *inter alia*, being Sections 97 and 98 of the Code of Criminal Procedure, which are appropriately made for such situation.

Learned counsel for the petitioner states that he has already filed application in terms of Section 97 of the Code of Criminal Procedure before the Sub-Divisional Magistrate, Salimbarbagh, North West Delhi, New Delhi – 110 088, with a copy to the Commissioner of Police, Delhi as well, but no positive action is being taken.

In our view, firstly, that the girl is being detained in Delhi, the application in terms of Section 97

of Cr.P.C. having been filed in Delhi and the petitioner also had been residing in Delhi, they had married in Delhi, it would be appropriate for the petitioner to pursue his remedies, as provided under the Code of Criminal Procedure, rather than pursue this application at Patna.

In view of the aforesaid, we are not inclined to entertain this application. However, the Magistrate, before whom applications are filed under sections 97 and 98 of the Cr.P.C., would proceed in accordance with law in the matter.

This application, with the aforesaid observation, stands disposed of.

(Navaniti Prasad Singh, J.)

(Jitendra Mohan Sharma, J.)

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