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

+ W.P.(CRL) 3215/2016

PRASANT CHAUDHARY

..... Petitioner

Through Mr. Ranjit Sharma, Advocate

versus

GOVT OF NCT, DELHI & ORS

..... Respondents

Through Mr. Rahul Mehra, Standing Counsel with
Mr. Tushar Sannu, Advocate for the State
along with Inspector B.R. Shankhala,
SHO Sagarpur and SI Chetan Mandia,
P.S. Sagarpur.
Mr. M.K. Saroja, Advocate for
respondent no.4.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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16.11.2016

Present petition has been filed under Article 226 of the Constitution of India seeking a writ of *habeas corpus* whereby the petitioner seeks production of his wife.

Notice was issued in this matter. Parents of the girl are also present in Court. Admittedly, the girl is residing with respondent no.4, her *phupha*/uncle. On the last date of hearing, following order was passed:

“The present petition has been filed by the husband of the missing girl. Marriage between the petitioner and the missing girl was performed on 29.01.2016. According to the petitioner, the father of the missing girl, on the pretext of the grand-father being ill, had taken her to Aligarh in the month of July, 2016. Thereafter, the girl has been taken away by respondent no.4. The husband and parents of the missing girl are present in Court.

The concerned IO will fix a meeting of the girl with her parents and husband. The statement of the girl shall also be

recorded. The local police shall also ensure that the meeting is peaceful and there is no breach of peace. We may note that the girl is pregnant and the due date of delivery is 05.12.2016. The petitioner and the parents of the girl, who are present in Court, shall also be present in Court on the next date of hearing. Respondent no.4 is also directed to remain present in Court. The State shall ensure his presence and, if possible, the girl should also remain present in Court on the next date of hearing.

List on 16.11.2016.

Dasti to the parties under the signature of Assistant Registrar.”

Admittedly, pursuant to this order, neither the husband of the girl nor the parents of the girl went to Aligarh to meet the girl. Mr. Mehra, learned Standing Counsel submits that the statement of the girl who is in advanced stage of pregnancy has been recorded. She has clearly stated that she is living with her *phupha* out of her own free will for various reasons, which find mentioned in the statement which has been videographed. Copy of the divorce petition filed by the girl has also been handed over in Court by Mr. Mehra.

The husband, i.e., the petitioner, and the parents of the girl submit that they will take benefit of the previous order. Respondent no.4, who is present in Court, undertakes to the Court that he would have no objection if the petitioner and parents of the girl visit Aligarh. He undertakes that the meeting will be peaceful. The IO will contact the petitioner as also the parents of the girl and they will meet the girl on 21.11.2016 at Aligarh. Local Police of Aligarh is directed to co-operate in the matter.

All parties undertake to the Court that they will ensure that the meeting is peaceful and no nuisance will be created. Any violation of the undertaking will be viewed seriously by the Court. The consequences of violation of the undertaking have been explained to all the parties, who are present in Court, by their respective counsel.

Accordingly, no further orders are required to be passed in this petition, as admittedly, the girl is a major and can take decisions on her own.

The petition stands disposed of accordingly.

A copy of this order be communicated to the SSP, Aligarh.

Dasti to the parties under the signature of Assistant Registrar.

G.S.SISTANI, J

VINOD GOEL, J

NOVEMBER 16, 2016

pst

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