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

+ **W.P.(CRL) 3233/2016**

JYOTI JAYA

..... Petitioner

Through Mohd. Shahid Anwar with Mr. Aamir
Naseem, Advocate

versus

STATE & ORS.

..... Respondents

Through Ms. Arpita Rai, Advocate for respondent
No.2.
Mr. Rahul Mehra, Standing Counsel
(Crl.), GNCTD

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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16.11.2016

1. Present criminal writ petition has been filed by the petitioner under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure for issuance of a writ of habeas corpus thereby directing production of her husband, Sh.Abhishek, before this Court.
2. As per the petition, marriage between the petitioner and Sh.Abhishek was solemnised on 14.9.2015 at Arya Samaj Mandir, without the consent of the family members of the petitioner. The marriage was also registered before the Registrar, Hindu Marriages, Sub-District, Ghaziabad, Uttar Pradesh. Photocopy of the Marriage Certificate has been enclosed along with the present

petition.

3. Learned counsel for the petitioner submits that the petitioner has now learnt that on 10.8.2016 Sh.Abhishek has got engaged with one, Ms.Puja Kumari. Counsel further submits that the petitioner met Sh.Abhishek, who promised her that he would not marry Ms.Puja Kumari. Counsel further contends that the grievance of the petitioner is that despite the marriage with the petitioner and promising to live with her, Sh.Abhishek is now solemnising his second marriage with Ms.Puja Kumari which is patently illegal. It is also contended that post marriage, the petitioner was also forced to abort her foetus by her husband, Abhishek. Counsel further submits that once the husband of the petitioner has married the petitioner, he cannot be allowed to solemnise a second marriage. Counsel, in these circumstances, had prayed for production of her husband.
4. We have heard learned counsel for the parties, the petitioner and Sh.Abhishek, who is present in Court. We have also heard the petitioner and Sh.Abhishek in the Chamber in the presence of Standing Counsel for the State.
5. It may be noticed that on the first date of hearing, i.e. 10.11.2016 Sh.Abhishek was present in Court along with his counsel. While Sh.Abhishek did not deny the factum of marriage with the petitioner on 14.8.2015, he had submitted that he does not wish to reside with her. Today, Sh.Abhishek has reiterated his stand.
6. Having regard to the fact that Sh.Abhishek has been produced in Court and in view of the stand taken by Sh.Abhishek, no further orders are required to be passed in this petition and the same is accordingly disposed of.

7. At this stage, counsel for the petitioner submits that he would take recourse to such remedies as may be available to him, in accordance with law.

G.S.SISTANI, J.

VINOD GOEL, J.

NOVEMBER 16, 2016
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