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

+ W.P.(CRL) 3255/2016 & Crl.M.A. 17646/2016 (for directions)

DEEPAK

..... Petitioner

Through : Mr.Achin Goel and Mr.Deep Kishor,
Advocates with petitioner in person.

versus

STATE (NCT OF DELHI) & ORS

..... Respondents

Through : Mr.Rahul Mehra, Standing Counsel (Crl.)
and Mr.Tushar Sannu, Advs. for the State
along with SI Sanjay Bhatt, Police Station
Hazrat Nizamuddin.
Respondents No.5, 6 and 11 in person.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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11.11.2016

Petitioner Deepak has filed the present petition under Article 226 of the Constitution of India seeking a writ of habeas corpus for production of his wife i.e. respondent No.11 Jyoti.

Jyoti is present in Court along with her parents. She admits that marriage between her and the petitioner was solemnized on 29.01.2015 at Arya Samaj Mandir, Amritpuri-B, Opposite Iskon Temple, East of Kailash, New Delhi-110065.

The parents of Jyoti i.e. respondents No.5 and 6 also confirm the marriage but submit that on account of marital discord a compromise deed was entered into on 10.08.2015 and thereafter the parties have been residing separately.

It is also not in dispute that Jyoti has now married Pankaj.

Counsel for the petitioner submits that the second marriage of Jyoti is a

nullity as no divorce was granted and the earlier marriage subsists.

We have taken up the matter in the chamber and have interacted with Jyoti separately. Thereafter we had requested her parents to remain present in the chamber. We had also called Deepak to the chamber.

Jyoti submits that although she has married Pankaj but Pankaj has misled her with regard to his age and also his job etc. She submits that since her second marriage is a nullity, she wishes to join the company of Deepak.

The parents of Jyoti, who are present in Court, submit that should Jyoti take such a step, they will cut all relationships and ties with her and would also disown her.

Deepak, who is present in Court, submits that he will make all efforts to ensure that Jyoti remains happy and no discord takes place.

Petition is disposed of accordingly. Dasti.

G.S.SISTANI, J.

VINOD GOEL, J.

NOVEMBER 11, 2016/jitender