

\$~2

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

+ W.P.(CRL) 3581/2016

MOHD TAALIB @ BHOLU Petitioner

Through Mr. Javed Alvi, Advocate

versus

STATE (NCT OF DELHI) & ORS Respondents

Through Mr. Rahul Mehra, Standing Counsel with
Mr. Tushar Saanu, Advocate for the State
along with SI Mohd Kaleem, P.S. Jamia
Nagar.

Mr. Pawan Sharma, Advocate for Mr.
Sajid, father.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **22.12.2016**

Present petition has been filed under Article 226 of the Constitution of India by the husband of Afsana seeking her production. Petitioner claims that Afsana is being illegally detained by her parents. Petitioner also claims to have married Afsana, who is over 16 years of age.

Afsana has been produced in Court from *PRAYAS NGO*. We have interacted with Afsana in the Chamber in the presence of Ms.Vani and Ms. Jyoti Taneja, Advocates and also counsel for the State. We have also interacted with parents of Afsana. Afsana submits that she has voluntarily married the petitioner and she would not like to reside with her parents as she fears that they may fix her marriage with another person. Parents of Afsana submit that in case Afsana does not join their company and wishes to reside with her husband, they would not object to the same but they would cut all their ties with her. Counsel

for the petitioner has placed reliance on ***Mohd. Nihal v. State***, reported at 2008 Law Suit(Del) 1221 and submits that being a Muslim girl, she has attained puberty at the age of 15 years and thus, the marriage between them is valid.

Having regard to the statement made by the parents of Afsana, the custody of Afsana is handed over to her husband.

We request Mr. Mehra to provide the telephone number of one Constable to the petitioner and Afsana and ensure her safety. Afsana will be released from the Court itself.

The petition stands disposed of accordingly.

Copy of this order be given Dasti under the signature of Court Master to the parties.

G.S.SISTANI, J

JAYANT NATH, J

DECEMBER 22, 2016

pst /
W.P.(CRL) 3581/2016