

Criminal Misc. No.M- 17969 of 2017 (O&M)

Date of decision : October 03, 2017

Sumit

.....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ankush Chowdhary, Advocate
for the petitioner.

Mr. Arjun Singh Yadav, AAG, Haryana.

Mr. Rajender Singh Duggal, Advocate
for respondent No. 4.

LISA GILL, J.

This petition has been filed for setting aside order dated 10.05.2017 (Annexure P-1) passed by the learned Additional Sessions Judge, Panipat. Following order was passed by this Court on 31.07.2017:-

“ This petition has been filed for setting order dated 10.05.2017 (Annexure P1) passed by the learned Additional Sessions Judge, Panipat.

It is submitted that Smt. Nikki daughter of respondent No.4 – Kanvar Pal was a major even when she solemnized marriage with the petitioner on 24.11.2016. However even if the prosecution version is to be believed, she has attained majority as her date of birth, according to the prosecution is 24.04.1999. She stated before the Additional Sessions Judge, Panipat on 04.05.2017 that she does not wish to go with her parents and she would like to reside with the petitioner. Learned counsel for the petitioner relies upon decisions of this Court in *Balwinder Singh @ Binder v. State of Punjab and others, 2008(3) RCR (Criminal) 1* as well as of Delhi High Court in *Neetu Singh v. State, 1999(3) RCR (Criminal) 26*, to say that even a minor girl cannot be detained at Nari Niketan

against her wishes. In the present case she has attained majority, therefore in any case she cannot be detained against her wishes at the Nari Niketan. The petitioner submits that he shall deposit a sum of ₹1,00,000/- in a Fixed Deposit in favour of his wife, Smt. Nikki. A sum of ₹50,000/- shall be deposited within two weeks and rest within four weeks thereafter.

Smt. Nikki is present in Court. She is duly identified by ASI Ramesh Kumar, Police Station Chandni Bagh, Panipat, as well as respondent No.4 i.e., her father who is also present in Court. She states that she solemnized marriage with the petitioner on 24.11.2016. It is stated that she does not wish to reside with her parents but wants to live with the petitioner at her matrimonial home.

In the present case, it is not disputed by learned counsel for the respondents that Smt. Nikki has since attained majority. Learned counsel for respondent No.4 submits that in case she is adamant in her stand, there is not much to be said. It is noticed that this petition has not been filed by Smt. Nikki. Her affidavit in respect to the facts as stated by her be filed during the course of the day.

Keeping in view the peculiar facts and circumstances of the case but without expressing any opinion on the maintainability of this petition in this form, it is directed that Smt. Nikki be permitted to leave Bal Kalyan Ashram, Sondhapur, Panipat where she is presently lodged, as she cannot be detained against her wishes, especially keeping in view the fact that she has now attained majority. She is at liberty to reside with her parents or the petitioner in accordance with her wishes.

List on 17.08.2017 to enable the petitioner to bring forth the FDR as above in favour of Smt. Nikki. In case Smt. Nikki chooses to join the petitioner, he shall ensure her safety and well-being. The petitioner/respondent No.4 shall ensure the presence of Smt. Nikki in Court on the next date of hearing.”

Smt. Nikki is present in Court today. She has produced her Aadhar Card as a proof of her identity. Photocopy of the same is taken on record.

She reiterates that she solemnised marriage with the petitioner on 24.11.2016. She is living with the petitioner since 31.07.2017. She has expressed her desire to continue living with the petitioner and not accompany her parents. Two FDRs to the tune of ₹51,000/- and ₹49,000/- (total ₹1,00,000/-) in favour of Smt. Nikki have been produced by the petitioner. Photocopies of the FDRs are taken on record subject to just exceptions. It is submitted that continuation of these FDRs after the stipulated period of one year shall be at the instance of Smt. Nikki herself.

In view of the facts and circumstances as above, no further orders are called for in this case.

Petition is, accordingly, disposed of.

October 03, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No