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

+ W.P.(CRL) 147/2017

AWADHESH KUMAR

..... Petitioner

Through

Mr.Pankaj Arya, Adv. with Mr.Punit
Vinay, Adv.

versus

STATE OF NCT OF DELHI & ORS

..... Respondents

Through

Mr.Rahul Mehra, standing counsel,
along with Mr.Tushar Sannu, Adv.
for State along with SI Shri Gopal.
Mr.H.K. Shekhar, Adv. with
Mr.Ranjeet Singh, Adv. for R-4 to 7.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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17.01.2017

This is a petition under Article 226 of the Constitution of India seeking a writ of habeas corpus. According to the petitioner marriage was solemnized between the petitioner and respondent No.4 on 5th October, 2013. This marriage was solemnized against the wishes of the parents of both the parties. It is also the case of the petitioner that parties belong to different castes and this was another ground for the parents for not agreeing to the marriage. It is contended that the wife had left her husband on 30th November, 2014 which led to filing of a petition by the petitioner under Section 9 of the Hindu Marriage Act seeking restitution of conjugal rights. The petitioner also claims that a decree has been passed in his favour on 9th

August, 2016.

On an advance copy having been served on the State, the respondent No.4 and her parents are present in Court. We have interacted with the respondent No.4 in the Chamber separately in the presence of Ms.Manju Aggarwal, Advocate, who was present in Court. Thereafter we had interacted with the petitioner also in the presence of respondent No.4. Respondent No.4 had categorically made statement that she does not wish to join the company of her husband. She further submits that the summons of the petition under Section 9 of the Hindu Marriage Act was not served upon her.

In view of the statement made by the respondent No.4, the petitioner submits that he does not wish to press this petition and he would take recourse to such remedies as available in accordance with law.

The respondent No.4 and her parents have complained that the petitioner and others acting on his behalf have been harassing them and under the influence of liquor he has been throwing beer bottles and threatens them and they apprehend that the petitioner further may take law in his hands.

The petitioner submits to the contrary, he submits that he has never threatened the respondents and he has never and he will not visit the house of the respondent No.4 nor the respondents should have any occasion to feel threatened as he is a law abiding citizen. To the contrary, when he has visited the house of the respondent, he has been manhandled and his car was also damaged.

Both the parties undertake to the Court that they will not take law in their hands. They will not visit each other's house and only fight the legal

battle in accordance with law. The statement of the petitioner is taken on record that the respondent No.4 should not feel threatened by him and he would not do such things in future which would make her feel insecure. The statements of both the parties are taken on record.

Both the parties also agree that they would not put the pictures of each other on the face book and on other social media. Both the parties agree to remove the respective pictures to protect each other's identity and respect their respective sentiments.

With these directions, the present petition is disposed of leaving the rights of both parties open to be taken at the appropriate forum.

G.S.SISTANI, J.

VINOD GOEL, J.

JANUARY 17, 2017//jitender