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

+ **W.P.(CRL) 1327/2017**

AMIT KUMAR

..... Petitioner

Through: Mr Vijay Kumar and Mr Pankaj
Kumar, Advs.

versus

THE STATE OF NCT OF DELHI & ANR

..... Respondent

Through: Mr Rahul Mehra, Standing Counsel
(Criminal), Govt. of NCT of Delhi and Mr Tushar
Sannu and Ms Smriti Dutta, Advs. for State
Inspector Dheeraj Singh, PS Narela

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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03.05.2017

Issue notice. Mr Rahul Mehra, Standing Counsel accepts notice on behalf of the State.

The petitioner has preferred the present writ petition to seek a writ of Habeas Corpus for production of Sarita whom he claims to have married on 23.03.2017. According to the petitioner, Sarita is major. He claims that her date of birth is 01.01.1998. Mr Mehra has tendered the Status Report in the Court today which is taken on record. Along with the Status Report, several documents have been annexed. It appears that there are two certificates issued by Madhyamik Shiksha Parishad, Uttar Pradesh in respect of Sarita, one of which records the

date of birth as 01.01.1998 and the other as 07.04.2000. The statement of Sarita has been recorded under Section 161 Cr.P.C. wherein, she has stated that the petitioner did not exercise any force in removing her from parental custody and she has gone to the petitioner with her own free will and accord. She has further stated that she wishes to reside with the petitioner. Also annexed, is an order dated 04.04.2017 passed by Senior Chief Judicial Magistrate, Meerut, whereby the custody of Sarita has been granted to her parents on finding that she is a minor. In the face of the order dated 04.04.2017, this Court is of the opinion that no further orders are called for in the present petition. If the petitioner is aggrieved by the order dated 04.04.2017, passed by the learned Senior Chief Judicial Magistrate, it is for the petitioner to take appropriate remedial steps before the Competent Court.

The petition is disposed of in the aforesaid terms.

VIPIN SANGHI, J

DEEPA SHARMA, J

MAY 03, 2017

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