

\$~3

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

+ **W.P.(CRL) 2715/2016**

VIRENDER

..... Petitioner

Through: Mr. Jaskaran Singh, Advocate with
Petitioner in person.

Versus

THE STATE OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Rahul Mehra, Sr. Standing
Counsel (Criminal) for Govt. of NCT
of Delhi with Ms. Rajni Gupta,
Additional Public Prosecutor for the
State with SI Sanjay Kumar and
Inspector Satyavir Singh, DIU/North
District.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

%

06.07.2017

1. The present petition under Article 226 of the Constitution of India prays for issuance of a writ of habeas corpus seeking the release of his alleged/purported wife from the illegal detention of respondent No.2 Ms.Vinita Panditain.

2. After hearing counsel for the parties and perusing the record, it emerges that initially the petitioner registered a complaint stating that Ms.Poonam, who he claims to be his wife, has gone missing since 26th June, 2015. Subsequent thereto, the petitioner instituted a proceeding before the

concerned Magistrate under the provisions of Section 156 Cr.P.C. seeking registration of an FIR against Ms. Vinita Panditain. On a specific direction from the Court, an FIR was registered and it has been brought to our notice that the said accused has already undergone a polygraph test, which establishes the truthfulness of her assertion that she was nothing to do with the missing girl Ms.Poonam. Not being satisfied, the petitioner subsequently enlarged the scope of the proceedings by seeking registration of an FIR against four other individuals, who have allegedly conspired with the said Ms.Vinita Panditain in removing Ms.Poonam from the custody of the petitioner. At this juncture, it would be relevant to point out that pertinently, the petitioner has no documentation whatsoever in relation to his purported marriage with Ms. Poonam, nor has he been able to produce any photograph of the solemnization of the purported marriage, or any statement/affidavit of a witness in relation to the said marriage.

3. A perusal of the status report filed on behalf of the Government of NCT of Delhi reveals that despite the specialized agency's carrying out painstaking investigation over the last two years, Ms. Poonam has not been located. It is the assertion on behalf of the official respondents that Ms.Poonam, who was 33 years of age at the time when she went missing, is keeping herself away from the petitioner; and that in view of the circumstance that the petitioner is completely unable to produce any proof of the purported marriage, the petition is devoid of any merit. It is also submitted on behalf of the official respondents that despite the repeated

insistence, the petitioner has not been forthcoming with information that would assist the former in producing the missing person, Ms. Poonam, before this Court, and in fact, on the contrary, the latter has been very reluctant to disclose the vital information in relation to the same.

4. In view of the foregoing and on account of the circumstance that Ms.Poonam would currently be 35 years of age, as well as the inability of the petitioner to persuade this Court that he has, in fact, solemnized a marriage with the said Ms. Poonam, we agree with the official respondents insofar as it is asserted that the petitioner neither has locus to maintain this petition nor any useful purpose shall be served by utilising the time of a specialized agency to look for Ms. Poonam.

5. The petition is accordingly dismissed with no order as to costs.

SIDDHARTH MRIDUL, J.

NAJMI WAZIRI, J.

JULY 06, 2017

sb