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

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**W.P.(CRL) 3264/2017**

**VIJAY KUMAR VISHKARMA**

..... Petitioner

Through: Th.V.P.S.Charak, Ms.shubhra  
Parashar, Mr.Satinder Tiwari and  
Mr.Pushpender Singh Charak,  
Advocates with the petitioner in  
person.

versus

**THE STATE GOVT OF NCT OF DELHI & ORS**

..... Respondents

Through: Mr.Rahul Mehra, Standing Counsel  
(Crl.) with Mr.Tushar Sannu,  
Mr.Chaitanya Gosain and  
Mr.Prashant Singh, Advocates with  
Insp. Davinder Singh, P.S. Nangloi,  
Delhi.  
Mr.Samath Tootia, Advocate for R-11  
& R-12.

**CORAM:**  
**JUSTICE S. MURALIDHAR**  
**JUSTICE I.S. MEHTA**

**ORDER**  
**04.12.2017**

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1. This is a petition under Article 226 of the Constitution of India seeking the issuance of a writ of habeas corpus directing the Delhi Police as well as the Police of the State of Uttar Pradesh and, in particular Gorakhpur, to

produce the Petitioner's wife Smt. Kumkum.

2. The case of the Petitioner is that he and Kumkum, d/o Mr. Bankey Lal Vishwakarma got married at the Arya Samaj Mandir, Gorakhpur (U.P.) on 16<sup>th</sup> May 2017 against the wishes of their respective parents. The Petitioner alleges that thereafter, on some pretext, Ms. Kumkum was called back to her parental home by her father and was thereafter not permitted to meet the Petitioner.

3. On the previous date of hearing of this matter, notice was issued to the Respondents. Today, a status report dated 1<sup>st</sup> December 2017 has been submitted by Inspector Sunil Kumar, Station House Officer (SHO) of PS Nangloi, where the Petitioner had lodged the complaint on 9<sup>th</sup> November 2017.

4. Mr. Rahul Mehra, learned Standing counsel appearing for the Delhi Police informed the Court that Kumkum is present in Court and that the IO has been in regular touch with her.

5. To ascertain what Kumkum wishes to do, we interacted with her separately in the chamber. She has got an M.A. degree and is the eighth of ten children of her parents. She is 25 years old and is looking forward to a career in teaching. She made it clear that she does not want to return to the Petitioner. According to her marriage with the Petitioner was without her free will and consent. She maintained that she is at present living with her parents in their village at Gorakhpur of her own free will and without any coercion. She stated that she wished to pursue the further logical and legal

steps with regard to her marriage to the Petitioner.

6. We also interacted with the Petitioner and his counsel in the chamber. The Petitioner maintained that he too belonged to Gorakhpur and that he was at present 29 years old. He is a graduate. He claims that he and Kumkum met in 2008. He stated that she got married to him of her own free will although against the wishes of the parents on both sides. He was apprised of the stand of Kumkum. He too wishes to seek further legal remedies that may be available to him.

7. The Court is not called upon at this stage to express any opinion on the validity of the marriage between the Petitioner and Kumkum except to note that both of them wish to pursue further legal remedies in that regard. Learned counsel for the Petitioner states that he would advise the Petitioner to explore other avenues for resolving the disputes between the two families.

8. No further directions are called for. The petition is accordingly disposed of.

**S. MURALIDHAR, J.**

**I.S. MEHTA, J.**

**DECEMBER 04, 2017**  
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