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

+ W.P.(CRL) 3431/2017

SUMIT KUMAR SINGH

..... Petitioner

Through: Mr. Rajeshwar Dagar, Mr. Swastik Singh & Mr. Atul Singh, Advocates along with petitioner in person.

versus

COMMISSIONER OF POLICE & ORS

..... Respondents

Through: Mr. Rahul Mehra, Standing Counsel and Mr. Jamal Akhtar & Mr. Chaitanya Gosain, Advocates along with Inspector Manoj Kumar, Police Station – Dabri Mor, Delhi, for the State.
Ms. Mamta Walia (respondents No.4) & Mr. Khem Chand (respondent No.5), in person.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

11.12.2017

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1. The petitioner has preferred this petition to seek a writ of Habeas Corpus in respect of respondent No.8/ Payal, whom he states that he has married on 09.05.2017. Respondents No.3 to 7 are the relatives of respondent No.8/ Payal. Respondent No.4/ Mamta Walia is the mother of respondent No.8/ Payal.

2. Payal has been produced in Court. Her mother Mamta Walia (respondent No.4) and her maternal uncle (*maama*) Khem Chand (i.e. respondent No.5), are also present in Court. We have interacted with the petitioner and Payal in Chamber. We have also interacted with Mamta Walia (respondent No.4) and Khem Chand (respondent No.5) in Chamber separately.

3. The position that emerges from our interaction with the parties is that the petitioner and respondent No.8 have indeed got married on 09.05.2017, and they are both major. They state that they have got married out of their own free will and accord. Respondent No.8 wishes to live with the petitioner. However, it appears that the marriage of the petitioner and respondent No.8 has not been accepted by the family members of respondent No.8/ Payal, particularly her mother Mamta Walia (respondent No.4) and her maternal uncle (*maama*) Khem Chand (respondent No.5).

4. We have counselled respondent No.4 & 5 in Chamber that since respondent No.8 has married the petitioner out of her own free will and accord, and is also willing to reside with him in her matrimonial home, it is in their best interest and in the best interest of respondent No.8 that they should accept the said marriage and not create an emotional and stressful situation for respondent No.8 where she is being pulled in two different directions.

5. Respondent No.8 has stated that she has not returned to the petitioner only on account of the lack of acceptance of the relationship between the petitioner and herself by her mother and maternal uncle. In our interaction,

respondents No.4 & 5 have assured us that in case respondent No.8 wishes to return to reside with her husband, they will not come in the way. In these circumstances, respondent No.8 has stated that she wishes to return and live with her husband, i.e. the petitioner. Accordingly, respondent No.8 is permitted to return to her matrimonial home with the petitioner from the Court itself.

6. Inspector Manoj Kumar from PS – Dabri Mor is present in Court. He is directed to ensure safe passage to the petitioner and respondent No.8 till their residence. The educational documents and office related papers of Payal shall be returned to her during the course of the day. The respondent No.4 shall handover the documents of Payal to the IO, who shall, in turn, handover the same to respondent No.8.

7. We hope that the other respondents, particularly respondents No.4 & 5 shall accept the decision of the respondent No.8 to live with the petitioner/ her husband so that normal seen relationship is restored without any further delay.

8. The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

P.S. TEJI, J

DECEMBER 11, 2017

B.S. Rohella