

\$~22

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 86/2018**
RANJEET KUMAR MAHTO

Through Mr.M.K. Parwez, Petitioner
petitioner. Adv. with

versus

STATE (NCT OF DELHI) & ANR

Through Mr.Sanjay Lao,ASC for State. Respondents
SI Brahm Prakash from P.S.Ranhola.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER
% **22.01.2018**

W.P.(CRL) 86/2018 & CrI. M.A. No.515/2018

Pursuant to the production warrants ordered against respondent no.2 she is present in Court. She has been brought to Court by the Welfare Officer of Nirmal Chhaya. Respondent no.2 has been lodged in Nirmal Chhaya since last almost 9 months. The child born to the petitioner and respondent no.2 also took birth while respondent no.2 was residing at Nirmal Chhaya. The minor baby is also present in the Court today along with respondent no.2. Respondent no.2 is willing to join the company of the petitioner. While granting anticipatory bail to the petitioner, this Court had noted that as per the ossification report of respondent no.2 her estimated bone age had been opined to be between 17 and 20 years. The Court had in fact opined that the

prosecutrix was above 18 years of age and thus major at the time of registration of the FIR. This factum had weighed in the mind of the Court while granting anticipatory bail to the petitioner. That order stands confirmed.

The prayer in the present petition is only to allow respondent no.2 to join the petitioner-husband. Even in the statement recorded under Section 164 Cr.P.C. respondent no.2 has stated that she had voluntarily married the petitioner. The fact that the child was born out of this marriage is also an admitted fact. Both petitioner and respondent no.2 along with their minor child is present in Court today. Respondent no.2, as noted supra, is willing to join the company of the petitioner. Petitioner is stated to be a B.Tech. engineer and presently working in a company at Chandigarh. All these facts are known to respondent no.2. This Court also notes that the FIR No.382/2016 had been registered at police station Ranhola on the statement of the father of respondent no.2 which was an FIR under Section 363 Cr.P.C.

Learned counsel for petitioner submits that respondent no.2 having been opined prima facie to be a major the FIR proceedings for the offence under Section 363 of the IPC would not be maintainable; he would be moving an appropriate application seeking quashing of the said FIR.

Noting the above narration of facts this Court is of the view that the prayer made in the present petition should be allowed. Respondent no.2 along with their baby is permitted to join the company of the petitioner. Personal belongings of respondent no.2

are stated to be lying at Nirmal Chhaya. The Welfare Officer will accompany her (along with petitioner-husband) to Nirmal Chhaya. After her personal belongings are handed over to her she will be permitted to rejoin the company of the petitioner.

Petition disposed of.

Order dasti under signatures of the Court Master.

INDERMEET KAUR, J

JANUARY 22, 2018

ndn