

\$~

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

1

+

KAPIL SHAKLA

W.P. (CRL) 398 /2018

...Petitioner

Through: Mr. Shehzad Alam, Advocate with Mr.
C.K. Kant, Advocate.

versus

THE STATE GOVT. OF NCT OF DELHI & ORS.

...Respondents

Through: Mr. Rahul Mehra, Standing Counsel
with Mr. Chaitanya Gosain, Advocate along with
Insp. Shri Krishan with WCT Seema PS Aman
Vihar

Ms. Megha Sharma along with her parents

CORAM:

JUSTICE S. MURALIDHAR

JUSTICE I.S. MEHTA

ORDER

19.02.2018

%

1. Kapil Shakla has fled this *habeas corpus* petition seeking the production of his wife Megha Sharma. He stated that he married her on 17th May 2017 at an Arya Samaj Mandir in Burari, Delhi. According to him some time thereafter in August 2017 her father took her away on the pretext of her mother's illness and she has since then been detained by them her against her wishes. He alleged that they were threatening to implicate him in a false case and are not allowing him to meet her.

2. Pursuant to the notice issued in this petition, a status report has been filed by Inspector Shri Krishan, the Station House Officer (SHO) of Police

Station (PS) Aman Vihar. *Inter alia* it is stated therein that Ms. Megha Sharma was found living with her parents at their house in Bhimgarh Kheri in Gurugram, Haryana and they were prepared to appear before this Court.

3. Ms. Megha Sharma has appeared in Court today accompanied by her mother. Ms. Megha Sharma was separately spoken to by us in the chambers. She has placed her version of the events before us. Although she does not dispute that she got married to the Petitioner on 17th May 2017 at the Arya Samaj Mandir, Burari, Delhi, she states that she did not do so of her own free will. She maintains that she has been living with her parents of her own will.

4. According to Megha Sharma, there were some talks with the Petitioner about dissolution of marriage. However that did not materialize. The Court would not like to state anything further at this stage except to note that Ms. Megha Sharma is very clear that she does not want to return to the Petitioner. She is categorical that she is under no compulsion or coercion from anyone, including her parents, in making this decision.

5. We have also separately interacted with the Petitioner in the chamber. He was accompanied by his counsel. We have explained to him what was conveyed to us by Ms. Megha Sharma. He too agrees that Ms. Megha Sharma should not be under the compulsion of anyone, including himself.

6. In the circumstances, the Court sees that no ground has been made out for issuing any direction in the present *habeas corpus* petition. This will, however, not preclude the Petitioner from seeking other remedies that he

may have in accordance with law.

7. The petition is accordingly dismissed but, in the circumstances, with no orders as to costs.

8. *Dasti* to the parties.

S. MURALIDHAR, J.

I.S. MEHTA, J.

FEBRUARY 19,2018

rd