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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 393/2018

SHANKAR

..... Petitioner

Through Petitioner with his counsel Mr. Sunil
Tiwari, Adv.

versus

THE STATE GOVT OF NCT OF DELHI & ORS

..... Respondents

Through Mr. Rahul Mehra, Standing Counsel
with Mr. Jamal Akhtar, Mr. Prashant
Singh and Mr. C. Gosain, Advs for
the State along with SI B.R. Tyagi.
Dr. Sabrina Sabharwal, Chairperson,
CWC.
Ms. Hemangini, W.O from Nirmal
Chhaya.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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19.02.2018

Parties have been called in person.

‘M’ has been produced from Nirmal Chhaya. The
Chairperson/Welfare Officer from CWC is also present.

In chamber, ‘M’ informs this Court that she had been married
to petitioner Shankar as per Hindu rites on 21.04.2013. A male child
had been born out of their wedlock in the year 2016. This Court has
been informed that ‘M’ had been married earlier as well and a female
child had been born out of their earlier wedlock who is also presently
living with the petitioner and ‘M’. She is stated to be 8 years of age.

Status report has been filed by the State. This status report informs this Court that pursuant to an ossification test conducted upon 'M', she has been opined between 19-22 years of age. She is an adult. On the date, when she was picked up from G.B. Road, she was adult at that point of time.

Noting the submissions made by the parties in chamber and 'M' categorically stating that she was happy with the petitioner and had left on a minor quarrel with the petitioner and she seeks to be reunited with the petitioner, it is a fit case where the prayer made in the present petition be granted. Accordingly, 'M' who has been produced from Nirmal Chhya is permitted to accompany her husband (petitioner) back to her matrimonial home from the Court itself. 'M' informs this Court that she has no personal belongings left in Nirmal Chhaya; she does not want to go back to Nirmal Chhaya for any reason. A copy of this order be circulated to the Nirmal Chhaya (through Investigating Officer) as this Court has permitted 'M' to accompany her husband back from the Court itself.

This Court has been informed by the Chairperson of the CWC that the police of Police Station Kamla Market has a non-cooperative attitude. The Investigating Officer SI B.R. Tyagi is present in Court. He submits that there is probably a mis-communication as he had given a letter dated 29.01.2018 addressed to the CWC informing them that since 'M' had been verified to be an adult, she could be released forthwith. This position is disputed by the CWC.

Be that as it may, this Court notes and directs that in all cases where there is a doubt about the age of the victim, the CWC at the time when verification of the documents is ordered to the Investigating Officer, will simultaneously ensure that the ossification/bony age test of the victim also be carried out; this is to ensure that there is no undue delay in arising at a finding on the age of the victim.

A copy of this order be circulated to all the CWCs for necessary intimation and compliance.

Petition disposed of in the above terms.

Order be given dasti under signatures of the Court Master.

INDERMEET KAUR, J

FEBRUARY 19, 2018
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