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

+ W.P.(CRL) 1047/2018

BAL KISHAN

..... Petitioner

Through: Mr. Rupesh Kumar, Advocate

versus

STATE (GNCT) OF DELHI & ANR

..... Respondents

Through: Mr. Rahul Mehra, Standing Counsel,
GNCTD with Mr. Tushar Sannu, Mr.
Chaitanya Gosain and Mr. Prashant
Singh, Advocates with SI Ajay
Kumar, PS – Rajouri Garden
R-2 in person with Counsel
(appearance not given)

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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11.04.2018

Notice.

Mr. Mehra accepts notice on behalf of State. Respondent No. 2 is present in Court and he accepts notice.

The petitioner has preferred the writ petition to seek a writ of habeas corpus for production of his minor daughter, namely, Aarti, who is alleged to have eloped with respondent No. 2. The case of the petitioner is that on 25.12.2017, Aarti had gone for her tuition classes at Rajouri Garden and did not return till late in the evening. The petitioner approached the local police and a case FIR No. 732/2017 under Section 363 IPC at Police Station Rajouri Garden was registered.

Aarti is present in Court with respondent No. 2. Aarti states that she went with respondent No. 2 of her own free will and accord and she was not taken by force. She states that she has married to respondent No. 2 of her own free will and accord.

The petitioner has placed on record the birth certificate. Date of birth of Aarti is 25.04.2000.

Mr. Mehra has tendered in Court the status report, which is taken on record. As per the status report, date of birth has been got verified.

The daughter of the petitioner has also filed a writ petition seeking protection from her parents. In those proceedings, vide order dated 04.01.2018, the SHO, PS – Rajouri Garden has been directed to provide protection to petitioner in that case, namely, respondent No. 2 herein and Aarti.

We have interacted with the petitioner, his wife on the one hand and Aarti & respondent No. 2 on the other hand in Chamber. Aarti is not willing to return with her parents under any circumstances. Since she is a minor, she cannot be left in the custody of any other person. Consequently, we direct that Aarti shall be housed at Nari Niketan, Hari Nagar, Delhi. Aarti shall attain the age of majority on 25.04.2018. On that said date, she shall be entitled to leave the Nari Niketan and to decide where she wants to go. During this period, it shall be open to the petitioner, his wife as well as respondent No. 2 and his parents to meet Aarti at Nari Niketan provided she is willing to meet either of them. At the time of the release of Aarti from Nari Niketan on 25.04.2018, the SHO, PS – Rajouri Garden shall ensure

safe passage to Aarti so that she is able to go, as per her wish, with the person she wishes to accompany, without any obstruction from any other person.

Petition stands disposed of accordingly.

Copy of this order be given *dasti* to the parties.

VIPIN SANGHI, J

P.S.TEJI, J

APRIL 11, 2018

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