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

+ **W.P.(CRL) 1328/2018**

ASGARI BEGUM

..... Petitioner

Through: Mr. Tahir Ashraf Siddiqui, Advocate
with Petitioner in person.

versus

COMMISSIONER OF POLICE

..... Respondent

Through: Mr. Rahul Mehra, Standing Counsel
(Crl.) with Mr. Chaitanya Gosain,
Advocates for State

CORAM:

JUSTICE S. MURALIDHAR

JUSTICE I.S. MEHTA

ORDER

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01.05.2018

CRL.M.A. 8093/2018 (exemption)

1. Allowed, subject to all just exceptions.

W.P.(Crl) 1328/2018

2. On receipt of advance notice of this petition filed under Article 226 of the Constitution of India for issuance of directions to the Respondent to produce the Petitioner's daughter, Aasmeen, the Station House Officer ('SHO') of Police Station ('PS') Dabri, Inspector Vijay Pal has filed a Status Report.

3. The apprehension of the Petitioner is that her daughter, Aasmeen, has been taken away forcibly by Sameer Ali (Respondent No.4) against her

wishes. Her further assertion is that Aasmeen is less than 18 years old although her school certificate shows her date of birth to be 10th March 2000.

4. In the Status Report, it is stated that upon inquiries being made, it was revealed that Aasmeen gave intimation on 26th March 2018 that her *nikah* with Sameer Ali (Respondent No.4) was performed on 14th March 2018. The Status Report states that Aasmeen's date of birth has been verified from her school record to be 10th March 2000 and, therefore, on the date of her *nikah*, she was above 18 years of age.

5. Aasmeen has also given a statement to the police on 29th March 2018 that she got married to the Respondent No.4 of her own free will and without any pressure. This was also confirmed by the Respondent No.4 himself to the police. The *nikahnama* has also been verified by the police from the office of the Registrar of Muslim Marriages at Masjid Fatehpuri, Old Delhi. The Status Report notes that they are presently happily married and living at the house of the Respondent No.4, who is the son of Respondent No.5. It is further stated that several meetings of the Petitioner and her daughter were arranged at the PS. Aasmeen was, however, not willing to return to her parents.

6. Aasmeen and Sameer have appeared in the Court today. We have spoken to Aasmeen in the chambers. She confirmed that she has married Sameer, whom she has known for over four years, and who lives in the same locality, i.e. C-Block, Madhu Vihar, Delhi-110059, of her own free will and without any pressure or coercion whatsoever. She is pursuing her BA course from

Bharti College. Her husband and his parents are fully supportive of her. She states that she is happily married and staying with them and does not wish to return to her parents. She requested the Court that a direction should be given to her parents to return the following documents which they have detained:

- (i) ID Card.
- (ii) Bank Passbook
- (iii) Her mark-sheet for 12th Standard
- (iv) Her mark-sheet for 10th Standard
- (v) *Ladli* form
- (vi) Migration Certificate
- (vii) School's ID Card and the result cards from 1st to 12th Standard.

7. Aasmeen further prayed that adequate security should be provided to her, her husband and his family as she apprehends threats from her parents.

8. We then spoke separately to the parents of Aasmeen in the presence of their lawyer. We conveyed to them what Aasmeen had told us. Although the Petitioner insisted that Aasmeen was less than 18 years of age, Mr. Rahul Mehra, the learned Standing Counsel for the State, states that not only her school record but the SDMC has also confirmed that Aasmeen's recorded date of birth as 10th March 2000.

9. The Petitioner then pointed out to a letter purportedly written by Aasmeen in her own handwriting about her being threatened by Sameer to marry him. We asked Aasmeen about that letter. According to Aasmeen, it was written by her under pressure from the Petitioner who threatened Aasmeen that her

father would commit suicide if she did not write it.

10. The Court does not wish to further comment on these conflicting versions. Aasmeen is an adult and is free to make her choice as to whom she wants to marry and whom she wants to live with. Her marriage to Respondent No.4 has been verified by the police to be true. Since she has done so of her own free will, there is no occasion for the Court to issue any directions in that regard in this petition.

11. The Court directs the Petitioner and her husband to return to Aasmeen, through the SHO, the certificates/documents mentioned at para 6 above, not later than three days from today. As regards the security for Aasmeen, Sameer and his parents, the SHO will assess the requirement and provide appropriate security to them as and when needed.

12. No further directions or orders are called for in this petition. It is disposed of in the above terms.

S. MURALIDHAR, J.

I.S. MEHTA, J.

MAY 01, 2018
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