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

+ **W.P.(CRL) 1487/2018**

RADHE SHYAM

..... Petitioner

Through: Ms. Sonal Singh, Advocate

versus

STATE (GOVT OF NCT OF DELHI) & ORS Respondent

Through: Mr. Sanjay Lao, ASC with Mr.
Chaitanya Gosain for Mr. Rahul
Mehra, Standing Counsel, GNCTD
with Inspector Dharmendra Kumar,
SI Mamta, PS GTB Enclave

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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14.05.2018

The petitioner has preferred the present writ petition, primarily, to seek a writ of habeas corpus for recovery and production of his daughter Mansi. The case of the petitioner is that Mansi went missing on 18.06.2017. He states that she got married to Rizwan on 12.06.2017 and thereafter she has also begotten a child.

Mansi is present in Court with her husband and the child. She states that she does not wish to return to her father. Thus, so far as the relief to seek a writ of habeas corpus is concerned, the same does not survive considering the fact, admittedly, Mansi is a major and she has made her conscious choice of her own accord.

The petitioner also seeks a writ, order or direction in the nature of Mandamus to take strict action against the accused namely Rizwan Ali by arresting him in the case of FIR no. 0225/2017 dated 11.07.2017, registered with P.S. GTB Enclave

We are afraid we cannot grant any such relief. It is informed by Mr. Lao that charge sheet also stands filed in the said case. Thus, the Sessions Court is seized of the matter and it is for the Court to proceed in accordance with law. This Court while exercising writ jurisdiction would not like to interfere with the proceedings which are on-going before the Trial Court.

The third prayer made in the writ petition is also to seek a direction to the learned ASJ to proceed with the aforesaid case registered against Rizwan Ali. Our observations made in respect of the second prayer cover this prayer as well.

In view of the aforesaid, we dispose of the writ petition. The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

P.S.TEJI, J

MAY 14, 2018

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