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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 1825/2018

AMIRA

..... Petitioner

Through Mr. Amrit Pal Singh Gambhir,
Advocate

versus

STATE (NCT OF DELHI) & ORS

..... Respondents

Through Mr. Rahul Mehra, Standing counsel
(Crl.) with Mr. Chaitanya Gosain,
APP for State

CORAM:

JUSTICE S. MURALIDHAR

JUSTICE P.S. TEJI

ORDER

03.08.2018

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1. The latest status report indicates that the Petitioner's daughter was recovered on 7th June 2018 from Bihar from the house of the person suspected by the Petitioner and her statement under Section 164 Cr PC was recorded before the Additional Chief Judicial Metropolitan Magistrate, Katihar, Bihar.

2. In that statement, the Petitioner's daughter stated that on 12th March 2018, she had married Imtayaj son of Gulam Husain, resident Village Pindhal, District Katihar, Bihar.

3. She was medically examined on 8th June 2018 at the Baba Sahib Ambedkar Hospital, Rohini, Delhi. She informed the doctors that she had engaged in sexual intercourse with her husband, Imtayaj. However, she

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refused internal examination. Since the age of the girl was less than 16 years at the time of the marriage, Sections 366/368/376 IPC and Section 4 POCSO Act was added in FIR No.106/18 registered at PS Neb Sarai, Delhi.

4. On 27th June 2018, the learned MM at Saket Courts declined to record the further statement of the Petitioner's daughter under Section 164 Cr PC since it had already been recorded by the counterpart in Bihar. The girl was then produced before the Chairperson of the Child Welfare Committee, Kalkaji on 5th July 2018. Subsequent to counselling, she was handed over to the Petitioner.

5. The status report further states that the records of the Vishesh Harikant Maday Vidyalaya, Katihar, Bihar, where the Petitioner's daughter studied show her date of birth to be 12th August 2002.

6. On 27th July 2018 the statement of the girl has been recorded for the second time under Section 164 Cr PC. She stated that she had gone with Imtayaj of her own will and also married him. She however desired to return to her mother.

7. The Petitioner's daughter is now back with the Petitioner. Since the girl has returned to her mother of her own will, no further directions are called for. The petition is disposed of.

S. MURALIDHAR, J.

P.S. TEJI, J.

AUGUST 03, 2018/mw
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