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

+ **W.P.(CRL) 2195/2018**

AJAY KUMAR

..... Petitioner

Through: Ms. Amrita Chatterjee, Advocate.

versus

COMMISSIONER OF POLICE & ORS.

..... Respondents

Through: Mr. Rahul Mehra, Standing Counsel
with Mr. Chatanya Gosain, Advocate
along with SI Sandeep and Insp.
Shailendra, P.S. Fatehpur Beri, Delhi.

CORAM:

JUSTICE S. MURALIDHAR

JUSTICE VINOD GOEL

ORDER

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17.08.2018

1. The latest status report has been perused. The Petitioner's daughter was found on 24th July 2018 with Anil Kumar in Manesar, Haryana. The status report further states that the marriage of the Petitioner's daughter Shilpi with Anil Kumar at Arya Samaj Mandir on 14th July 2018 has been got verified. Shilpi has further confirmed this in her statement before the learned Metropolitan Magistrate at Saket Courts, New Delhi recorded on 25th July 2018 under Section 164 Cr PC. Shilpi has asserted that she has married Anil of her own free will and wants to live with him.

2. Shilpi is present before the Court. Presently, she is at Prayas Tukalgabad, New Delhi, for her 'care and protection'. The status report notes that notices have been issued under Section 91 Cr PC regarding the verification of

Shilpi's age. Her school record reflects her date of birth as 15th August 2000 in terms of which she is a major as of date. Sub-Inspector (SI) Sandeep, who is present in the Court, instructs Mr. Mehra to inform the Court that according to Shilpi, her date of birth is 15th August 1999.

3. Learned counsel for the Petitioner points out that Shilpi turned 18 only on 15th August 2018 and that at the time of her marriage she was below 18. She submitted that Shilpi's parents should be allowed to meet her at the Mediation Centre annexed to this Court.

4. Shilpi, however, states that she has already met her parents. She is disinclined to meet them again at this stage. She is clear that she wants to return to her husband.

5. Since at present Shilpi is 18 years old, and an adult, she is free to decide where she wants to be. Since she is unequivocal that she wants to return to her husband, there can be no legal impediment in directing that Shilpi be straightway released from Prayas and be permitted to return to Anil, her husband. It is ordered accordingly.

6. The Station House Officer (SHO) concerned will facilitate Shilpi's return to her husband forthwith. The SHO will also assess if there is any protection to be afforded to Anil and Shilpi and issue appropriate directions in that regard.

7. As regards the Petitioner, it will open to him to seek other legal remedies since the question of continuing to entertain the present petition for a writ of

habeas corpus does not arise.

8. The petition is disposed of.

9. Copy of order be given *dasti* under the signature of Court Master.

S.MURALIDHAR, J.

VINOD GOEL, J.

AUGUST 17, 2018
"shailndra/sandeep"