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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 2399/2018

ILMA BANO

..... Petitioner

Through: Mr. Haneef Mohammad and Mr. Anil
Vyas, Advocates

versus

THE STATE & ORS.

..... Respondents

Through: Mr. Rahul Mehra, Standing Counsel
(Crl.)

CORAM:

JUSTICE S. MURALIDHAR

JUSTICE VINOD GOEL

ORDER

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13.08.2018

CRL.M.A. 29872/2018 (exemption)

1. Allowed, subject to all just exceptions.

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2. The Petitioner directions to the State to produce her husband, who she states has been missing since 10th January 2018.

3. A status report dated 12th August 2018 has been filed by the Station House Officer ('SHO') of Police Station ('PS') Jamia Nagar. It states that the Petitioner filed a complaint with the CAW Cell on 12th March 2018, pursuant to which, her in-laws were called and counselling and mediation was also attempted. Her husband, however, did not participate. The Petitioner suspects her husband of having married another woman and also having a child from that marriage. According to the Petitioner, when she

questioned her husband about it, he left home on 10th January 2018 and has not returned since.

4. A formal complaint of the Petitioner dated 1st June 2018 was received at PS Jamia Nagar on the basis of which FIR No.219/18 under Sections 498A/406 IPC has been registered on 11th June 2018 against the Petitioner's husband.

5. In the facts and circumstances, the question of the Petitioner's husband being illegally detained by someone does not arise. It is possible that on account of the registration of the above FIR against him that has not returned to the Petitioner.

6. Without expressing any opinion whatsoever as to the merits of the Petitioner's aforementioned complaint, the Court dismisses the present petition leaving it open to the Petitioner to seek other remedies as may be available to her in accordance with law.

S. MURALIDHAR, J.

VINOD GOEL, J.

AUGUST 13, 2018

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