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

+ **W.P.(CRL) 2548/2018**

RAKESH

..... Petitioner

Through: Mr. Pinaki Addy, Advocate along
with Petitioner-in-person.

versus

STATE & ORS.

..... Respondents

Through: Mr. Rahul Mehra, Standing Counsel
(Criminal) with Mr. Chaitanya
Gosain, Advocate for the State with
Insp. Ram Swaroop (SHO) and SI
Sandeep, PS Begumpur, Delhi.

CORAM:
JUSTICE S. MURALIDHAR
JUSTICE VINOD GOEL

ORDER
28.08.2018

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Crl.M.A. 30900/2018 (exemption)

1. Allowed, subject to all just exceptions.

W.P.(CRL) 2548/2018

2. The Petitioner has come to this Court with the present petition seeking production of his wife Aarti. It is stated that both of them got married of their own will on 26th February 2018 at the Arya Samaj Vaidik Mandir, Rajinder Market, Tis Hazari, Delhi and they lived together as husband and wife. According to the Petitioner, in April 2018, Aarti's family members came and forcibly took her away with them while threatening the Petitioner with dire consequences.

3. On receipt of an advance copy of the petition, Inspector Ram Swaroop, Station House Officer ('SHO') of PS Begumpur has filed a status report dated 28th August 2018 wherein it is stated that the father of Aarti, viz. Mr. Raju Pawar, got registered FIR No.112/2018 on 22nd February 2018 under Section 363 IPC at PS Sultanpuri, Delhi regarding the kidnapping of his daughter who was aged 17 ½ years at the time. Incidentally, it may be noted here that during the inquiry, the date of birth of Aarti was ascertained as 28th May 2000. Subsequently, after Aarti was recovered, the Petitioner was arrested in the above case. In the status report, it is stated that Mr. Pawar informed the SHO that Aarti was presently in Madhya Pradesh with his relatives but he would produce her in Court as and when required.

4. It appears that after Aarti was brought away on 13th April 2018, she was medically examined and her statement under Section 164 Cr PC was recorded. She stated that she had gone with the Petitioner, married him of her own free will, and was living with him as his wife. According to her, she had willingly gone with her parents. However, today Aarti informs us in the chamber that under extreme pressure she had to return to her parents and that she had even then stated that she wanted to return with the Petitioner as soon as she turned 18.

5. With Section 363 and 376 IPC and Section 4 POCSO Act being added in the FIR, the Petitioner was again arrested on 11th July 2018 but granted bail on 6th August 2018.

6. Aarti is very categorical that she wishes to return with Rakesh having

married him of her own free will. She states that the parents of Rakesh have also taken good care of her in the few months that she lived with them. She expresses apprehensions regarding her safety and security particularly due to her parents and her brother. She expressed her desire to return with Rakesh from the Court itself.

7. The parents of Aarti are also present in the Court. It is difficult for them to accept the fact that she has made a conscious choice and wishes to return to the Petitioner and resume their married life. The Court has explained to them that they should reconcile with the fact that her daughter Aarti is now an adult and is entitled to exercise her choice as such.

8. In that view of the matter, the Court directs that Aarti can go straightaway from the Court with the Petitioner and for this purpose, the SHO who is present in the Court will provide them adequate police escort. He will also assess their security requirements and provide Rakesh and his family the adequate security till such time as the situation eases and Aarti is no longer apprehensive of any threat to the safety and security of herself, the Petitioner and his family members.

9. The SHO will arrange to have affidavits filed by Aarti's parents as well as her brother in this Court within three days to the effect that they will not, in any manner, interfere with the married life of Aarti and the Petitioner and shall cause no interference with the peaceful existence of the Petitioner's family members. If there is any difficulty in implementing any of the above directions, it would be open to the Petitioner, Arti, and the police to seek

directions.

10. The petition is disposed of accordingly.

11. Copy of this order be given *dasti* under the signatures of the Court Master.

S. MURALIDHAR, J.

VINOD GOEL, J.

AUGUST 28, 2018

"shailendra"