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

+ **W.P.(CRL) 2764/2018**

AFSHANA KHATOON & ANR. Petitioners

Through: Mr. Sekhar Parti Jha and Ms. Sumitra
Mahajan, Advocates.
Mr. Pavan Saxena, Mr. Dharmendra Tyagi
and Mr. Amit Acharya, Advocates.

Versus

STATE & ORS. Respondents

Through: Mr. Avi Singh, Additional Standing Counsel
with SI B. Singh, P.S. Keshav Puram.
Mr. S.P. Jha, Advocate for Respondents No.
2 and 3 with said Respondents in person.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **30.10.2018**

On 17.09.2018, the Court had directed Bone Ossification Test for determination of the age of petitioner No.1, who is stated to be a minor at the time of marriage with petitioner No.2. The Court had relied upon the judgment of the Supreme Court in *Suhani & Anr. vs. U.P. & Ors.* in Civil Appeal No. 4532/2018 dated 26.04.2018, because two different dates of birth were mentioned in her school certificate and the card issued by the UIDAI.

A Report of the All India Institute of Medical Sciences (AIIMS) has been received in a sealed cover. It has been opened. The

Medical Board of five doctors has opined that:-

“Considering the findings of physical, dental and radiological examination, we are of the view that the bone age of victim Ms. Afshana Khatoon is between 19 to 20 years.”

The Report is taken on record.

At this stage, the learned counsel for the petitioners submits that the parents of the petitioners have reconciled to their marriage.

The learned counsel for respondents No. 2 and 3 i.e. parents of the girl have accepted the marriage and have blessed the petitioners. The parties are present in the Court and have been identified by the Investigating Officer.

In the circumstances, the age of petitioner No. 1, determined by the Bone Ossification Test, will be accepted. Accordingly, it would be deemed that the petitioner No. 1, being an adult on the date of her marriage, had moved out of her parents' home of her free volition to be married to petitioner No.2. Hence, there would be no case of kidnapping

In view of the above, the order of protection dated 17.09.2018 is confirmed. No further orders are required.

The petition is disposed-off accordingly.

NAJMI WAZIRI, J.

OCTOBER 30, 2018

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