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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2757/2018**

SACHIN SHARMA AND ANR. Petitioners
Through: **Mr. V.K. Shukla & Mr. B.R. Pandey,**
Advocates
versus

STATE OF NCT & ORS. Respondents
Through: **Mr. R.S. Kundu, ASC for State with**
Mr. Bhagat Singh & Mr. Murli
Manohar, Advocates with ASI
Mahender Singh, PS Nand Nagri
R-2 in person
Parents of R-2 in person

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
% **01.10.2018**

According to the Bone Ossification Test Report of the All India Institute of Medical Sciences, it has been concluded that the age of petitioner No. 2 is between 17 and 18 years, as on 20.09.2018.

The learned counsel for the petitioners submits that in terms of radiological examination, where it is found that the upper end of the fibula is not being infused, the bone age could be taken as <17.5 years. However, the Report finds that “the B/L Iliac Crest appeared but not fused, so bone age is more than 15.3 years and less than 19 years.” Therefore, according to the learned counsel for the petitioners, petitioner No.2 should be given the benefit of the higher age.

The Court would note that a Board of six senior doctors of the All India Institute of Medical Sciences have concluded on the basis of physical

examination, OPG findings, X-ray, dental reports and other radiological examinations, that her age is between 17 and 18 years. Additionally, her date of birth recorded with the Municipal Corporation of Delhi is 15.08.2001. In fact, she would attain the age of majority only on 15.08.2019.

Reference to *Suhani vs. State of U.P. (Civil Appeal NO. 4532/2018 @ SLP(C) 8001/2018)* would be of no benefit to the petitioners because in that case, the age of the petitioner, Suhani, was found to be between 19 and 20 years and she was given the benefit of the higher age. In the present case, the age of the petitioner No.2 does not exceed 18 years, as yet.

In the circumstances, she cannot be considered as a person who can contract marriage, as claimed by her. The petitioner No.2 expressed serious doubts about her welfare at her residence. She expressed her desire not to return to her home because her father comes home inebriated and otherwise uses foul language, which creates an environment which she does not find conducive for habitation. She submits that she would rather stay at the Child Care Centre under CWC-V at Sanskar Ashram, Dilshad Garden, New Delhi. Let it be so done, till she attains majority on 15.08.2019.

In view of the above, the name of petitioner No. 2 shall be expunged from the records and she shall be identified as Ms. 'X'.

The petition is disposed-off with the above observations.

In case of exigency, it will be open to the parties to move an application before the Court.

List for directions on 12.08.2019.

NAJMI WAZIRI, J

OCTOBER 01, 2018
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