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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 2870/2018

AMAAN WAHAB

..... Petitioner

Through: Ms. Nusrat Hossain, Adv. along with
Petitioner in person.

versus

COMMISSIONER OF POLICE & ORS

..... Respondents

Through: Mr. Rahul Mehra, Standing Counsel with
Mr. Chaitanya Gosain, Adv. for State.
SI Rohit Kumar, PS Jamia Nagar.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE VINOD GOEL

ORDER

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24.09.2018

Crl.M.A.No.32710/2018 (Exemption)

1. Exemption allowed, subject to all just exceptions.

W.P.(CRL) 2870/2018

2. Notice. Mr. Rahul Mehra, the learned Standing Counsel accepts notice for the State.

3. The Petitioner has approached this Court with the present petition seeking a writ of *habeas corpus* for the production of his wife (Respondent No.2).

4. On receipt of an advance copy of the petition, the Station House Officer of Police Station Jamia Nagar has filed a status report dated 24th September, 2018. The status report acknowledges that the Petitioner and Respondent

No.2 got married on 27th April, 2018. From the petition, it appears that the Petitioner and Respondent No.2 got married in Ghaziabad and subsequently approached the High Court at Allahabad, which by an order dated 30th May 2018 granted them protection against alleged threats by the family members of Respondent No.2.

5. The case of the Petitioner is that the parents of Respondent No.2 subsequently took her away sometime in June, 2018, on the pretext of getting a proper *ruksati* done for her. The Petitioner states that on 4th September 2018, he received a call from Respondent No.2 who told him that she was under threat of her own family members and that they would either kill her or get her forcibly married to someone else.

6. The SHO in his status report states that on 22nd September, 2018 he contacted Respondent No.3, the father of Respondent No.2 on his mobile number. The SHO was informed that after Respondent No.2 left her house on 19th April, 2018, Respondent No.3 had filed a missing complaint with the local police at J.J.Police Station, Mumbai. According to Respondent No.3, Respondent No.2 returned to her parents' house after a few days stating that she had got married to the Petitioner but did not want to live with him.

7. It appears that Respondent No.2 has filed a complaint against the Petitioner under the Protection of Women from Domestic Violence Act, 2005 before the Court of the Additional Metropolitan Magistrate (AMM), Mumbai and the complaint is registered as CC No.52/DV/2018. The next date of hearing in the said case is 11th October, 2018. The SHO has also verified the status of the said case online in the Court of the AMM

concerned and found it to be correct.

8. The learned counsel for the Petitioner states that the Petitioner is apprehensive of facing coercive action if he goes to Mumbai. Nevertheless, considering that a complaint at the instance of Respondent No.2 has been registered in the Court of the AMM-III, Mazagaon, Mumbai, the Petitioner has to seek appropriate legal assistance to pursue his remedies there.

9. The Court, in the circumstances, is not inclined to accede to the prayer of the Petitioner. Leaving open his to avail other legal remedies, the petition is dismissed.

S. MURALIDHAR, J.

VINOD GOEL, J.

SEPTEMBER 24, 2018

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