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

+ **W.P.(CRL) 3200/2018**

UDAY KUMAR GUPTA

..... Petitioner

Through: Mr Alok Kumar Rai and Ms Sumaina
Saini, Advs

versus

STATE GOVT OF NCT OF DELHI & ANR

..... Respondents

Through: Mr Rahul Mehra, SC along with
Mr Royal for State with SHO
Surender Chahal and SI Anju PS Viay
Vihar

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MS. JUSTICE C. HARI SHANKAR

ORDER

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22.10.2018

The present petition has been instituted on behalf of Sh. Uday Kumar Gupta seeking a writ in the nature of habeas corpus directing the State Govt. of NCT of Delhi to produce his daughter, Ms.Pushpanjali, after releasing her from the alleged illegal detention of the respondent No. 2 Chand @ Sameer; and for her production before this court, and subsequent handing over into the custody of the father.

Sh. Uday Kumar Gupta, his wife Smt. Renu Gupta and his mother Smt. Lalita Devi have interacted with Ms. Pushpanjali in the court today.

It is an admitted position that, Ms Pushpanjali was born on

16th February, 2000 (as per the Secondary School Examination Certificate issued by the Central Board of Secondary Education, Delhi) and has since attained majority.

It has further been brought to our notice, as evidenced by requisite documents, that Ms. Pushpanjali left her parental home of her own free will, on 03rd October 2018 and married Mr Chand @ Sameer on the same day, in accordance with law (duly verified by the State as per the certificate issued by Arya Samaj Vaidik Mandal (Regd.), Branch: 120, Rajinder Market, Tis Hazari Court, Delhi – 110054). It is further an admitted position that, Ms. Pushpanjali and Mr. Chand @ Sameer have been residing together at House No. 154, Pocket No. -10, near Raja Harish Chand Hospital, Narela, North Delhi since that day.

Having interacted with Ms Pushpanjali in Chamber, it is evident to us that, she has taken a conscious decision as an adult and of her own free will and volition to marry Mr. Chand @ Sameer and reside with the latter voluntarily, without any coercion or pressure. Ms. Pushpanjali has further expressed her wish to reside with her husband Mr. Chand @ Sameer at their aforementioned matrimonial home.

Learned counsel appearing on behalf of the petitioner, states that the marriage between his daughter Ms. Pushpanjali and Mr. Chand @ Sameer, who professes Islam, is not acceptable to them. However, in view of the circumstances as elaborated hereinabove, counsel for the petitioner has instructions to not press this petition any further.

In this behalf, the Hon'ble Supreme Court of India in *Ashok Kumar Todi vs Kishwar Jahan* reported as AIR 2011 SC 1254, has held that, where the boy or the girl, as the case may be, are majors, and if they undergo inter-caste or inter-religious marriage, it is the duty of all persons in the administration / police authorities throughout the country, that their marital life should not be disturbed and the newlyweds ought not to be harassed.

Therefore, the Station House Officer of the concerned police station, in the facts and circumstances of the case, is directed to ensure adequate police protection to the newly married couple, after assessing the threat perception. The beat constable of the area shall be sensitized in this behalf and the telephone number of the beat constable, as well as, the SHO shall be provided to the newly married couple, so as to enable Ms. Pushpanjali to inform them in the likelihood or any apprehension to her safety or security.

The petition is disposed of accordingly.

SIDDHARTH MRIDUL, J

C. HARI SHANKAR, J

OCTOBER 22, 2018
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