

\$~1

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

+ **W.P.(CRL) 3566/2018**

ASHOK ATMA DASS

..... Petitioner

Through: Ms. Richa Dhawan, Advocate
(DHCLSC) with petitioner in person.

versus

GOVT OF NCT OF DELHI & ORS

..... Respondents

Through: Mr. Rahul Mehra, SC (Crl.) GNCTD
with Mr. Chaitanya Gosain, Advocate.

Inspector B.K. Badola, SI Kishore Kumar,
ASI Hari Kishan, AHTU/SED.

Kidnapped girl, Lekhika produced from prayas by
W/Ct. Sulochana.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

%

03.12.2018

1. Pursuant to the order dated 27.11.2018, a fresh Status Report is handed over by Mr. Mehra, Standing Counsel (Crl.).
2. Pertinently, the petitioner's daughter namely, Lekhika is also present in Court. Learned Standing Counsel (Crl.) states that on 28.11.2018, they were informed that the kidnapped girl would come to Saket Court, New Delhi with her relatives. A police team was deputed outside the Court premises, the kidnapped girl Lekhika was identified and examined. The petitioner and his younger daughter namely, Bharti were informed about the recovery of Lekhika, whose statement was recorded under Section 161 Cr.P.C. at P.S. Lajpat Nagar, New Delhi. The petitioner, his younger

daughter Bharti and his son Shivam had come to the Saket Court and had met Lekhika. On the very same day, a request was made before the learned M.M. for recording the statement of Lekhika under Section 164 Cr.P.C. The statement as recorded has been reproduced in para 2 of the Status Report wherein the kidnapped girl has clearly stated that she had left her parental home on 14.10.2018 but prior thereto, on 07.07.2018, she had already solemnized a court marriage with Kuldeep Dixit. Subsequently, both of them had gone to Farrukhabad, got their marriage registered and started residing in the same city as husband and wife. Lekhika has deposed that she is an adult and has decided to live along with her husband of her own free will and volition.

3. Mr. Mehra, learned Standing Counsel (Crl.) states that there is some dispute raised about the age of Lekhika and therefore, she had to be produced before the Child Welfare Committee, Kalkaji, New Delhi, who had ordered that she be placed at *Prayas*. The medical examination of Lekhika was conducted on 28.11.2018 at AIIMS, New Delhi where she stated that she is 19 years old and expressed her unwillingness to undergo a gynaecological examination. After her medical examination, she was sent back to *Prayas*.

4. Thereafter, the police took steps to obtain the age proof of Lekhika. It is stated that there is some discrepancy in her age, as the original school certificate of Lekhika where she was admitted in first class, reflects her date of birth as 22.11.1999 whereas, the birth certificate dated 16.1.2014 issued by SDMC mentions her date of birth as 22.11.2000 on the basis of a self-certification by the petitioner and a subsequent order passed by the Tehsildar/Executive Magistrate, Defence Colony, District South, New Delhi.

5. In any event, as on date, it is not in dispute that Lekhika is a major, even if her date of birth is taken to be 22.11.2000.
6. We have interacted with Lekhika and had passed over the matter for her to speak with her father and brother, who are present. On the second call, Lekhika reiterates her stand that though she has spoken to her father and brother, but she is not interested in going back to her parental home and would like to join her husband at her matrimonial home at Farrukhabad.
7. We are informed that some of Lekhika's belongings are still lying at *Prayas*. The local police shall accompany her to *Prayas* today itself where she will collect her belongings and be released forthwith.
8. We are informed that NBWs have been issued against the respondent No.2, Kuldeep Dixit and that is why he is not present today but his brother namely, Pradeep Dixit, is stated to be present in the Court complex. Lekhika is at liberty to join Pradeep Dixit from *Prayas*, after collecting her belongings.
9. It is made clear that we have not determined the age of Lekhika on the basis of documents referred to in the Status Report, or the plea taken by the petitioner.
10. The petition is disposed of.

HIMA KOHLI, J

MANOJ KUMAR OHRI, J

DECEMBER 03, 2018

ap