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

+ **W.P.(CRL) 50/2019**

ISHANT

..... Petitioner

Through

Mr. V.C. Gautam and Mr. Vikas
Tomar, Advocates.

Petitioner in person with his mother.

versus

STATE (NCT OF DELHI) & ORS

..... Respondents

Through

Mr. Rahul Mehra, Standing Counsel
(Criminal) for State.

Insp. Sanjay Bhardwaj, SHO, PS
Subji Mandi.

Mr. N.K. Mishra and Ms. Shweta,
Advocates for respondent Nos.2 & 3.

Respondent No.2 along with her
parents.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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28.01.2019

The present petition has been instituted on behalf of Mr. Ishant seeking a writ in the nature of habeas corpus directing the State Government of NCT of Delhi to produce Ms. Maansi, after releasing her from the alleged illegal detention by her father (respondent No. 3).

We have interacted with Ms. Maansi, her parents, namely, Mr. Sunil and Ms. Sunita, as well as, Mr. Ishant, the petitioner in Chamber today.

It is an admitted position that, Ms. Maansi was born on 14th April, 2000, and has since attained majority.

It has further been brought to our notice, as evidenced by requisite documents that Ms. Maansi left her parental home of her own free will, on 5th December, 2018, to marry Mr. Ishant on the same day at the Arya Samaj Mandir Trust, Branch 74-B, Khanna Market, Tis Hazari, Delhi-110054. However, the same could not be solemnized in view of the interference of her family members who reached at the spot on the said day. In this behalf, a certificate dated 6th January, 2019, issued by Arya Samaj Mandir Trust, clearly and unequivocally reflects that the marriage between Mr. Ishant and Ms. Maansi could not be solemnized on 5th December, 2018. It is further an admitted position that, Ms. Maansi has been residing at her parental home of her own free will since that day.

Having interacted with Ms. Maansi in Chambers, 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. Ishant and reside with the latter voluntarily, without any coercion or pressure at his residence at H.No. 16/1078, Khalsa Nagar, Tank Road, Karol Bagh, Delhi-110005.

In view of the foregoing, Ms. Maansi is at liberty to reside at the petitioner's aforesaid residence in view of the expression of choice expressed by her.

The SHO of the concerned Police Station, in the facts and circumstances of the case is directed to ensure adequate police protection to the 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 couple, so as to enable Ms. Maansi to inform them in the likelihood or any apprehension to her safety or security.

No further directions are called for in the present habeas corpus writ petition and the same is accordingly disposed of.

SIDDHARTH MRIDUL, J

SANGITA DHINGRA SEHGAL, J

JANUARY 28, 2019
RS/ns