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

+ W.P.(CRL) 87/2019 and CRL.M.A. 621/2019

MOHD. AFTAB

..... Petitioner

Through: Mr. M. Rais Farooqui, Mr. S. Akhlaq
Husain and Mr. Arif Ali Khan, Advocates.

versus

STATE & ORS.

..... Respondents

Through: Mr. Rahul Mehra, St. Counsel (Crl.)
with Mr. Chaitanya Gosain, Advocate and
Ms. Sana with her father, respondent No.3.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% 14.01.2019

1. The present petition has been filed by the petitioner praying *inter alia* for issuing directions to the respondents No.1 and 2/State to produce his wife, Ms. Sana who has allegedly been unlawfully detained by her father, respondent No.3 and her relatives, respondents No.4 to 7.

2. It is stated in the petition that Ms. Sana had of her own free will solemnised her marriage with the petitioner by signing a Nikahnama at his residence on 18.12.2018, whose first marriage is with Ms. Tabassum, Sana's cousin sister (maternal aunt's daughter). On the next day, respondent No.3 and Sana's relatives had requested the petitioner for permission to take her back to her parental home for completing certain customs and traditions and

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had promised that she would be sent back thereafter, but she did not return. Hence the present petition.

3. Mr. Rahul Mehra, Standing Counsel (Crl.) had sought a passover on the first call on the ground that Ms. Sana was at the reception counter of the Court Complex for getting a pass prepared. On the second call, Ms. Sana and her father, respondent No.3 are present. She denies having executed any Nikahnama with the petitioner and expresses complete ignorance about the marriage certificate filed as Annexure - P1 wherein her signature has been affixed. She states that she has passed class 12th and the petitioner had asked her to furnish some documents relating to her schooling, marksheets etc. and had promised her a job in Mumbai. It was in the said context that she had furnished her original documents including the school leaving certificate to the petitioner. She further states that she has no intention of joining the petitioner at his house. The statement of Sana recorded on 10.01.2019 at P.S. Khajuri Khas is handed over and taken on record.

4. In view of Sana's appearance and statement as recorded hereinabove and her disinclination to join the petitioner, no further orders are required to be passed on the present petition, which is dismissed alongwith the pending application.

5. It is left to the petitioner to seek legal recourse, as may be advised.

HIMA KOHLI, J

MANOJ KUMAR OHRI, J

JANUARY 14, 2019/na
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