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

+ W.P.(CRL) 90/2019

KAPIL

..... Petitioner

Through: Mr. Anubhav Mehrotra and Mr. Vishrut Raj, Advocates

versus

THE STATE AND ORS

..... Respondents

Through: Mr.Chaitanya Gosain, Advocate for Mr. Rahul Mehra, Standing Counsel (Crl.), GNCTD with SI Sandeep Mathur, PS: Mangol Puri.

Mr. Shyam Lal Sharma, Advocate for R-3 with R-3 and his daughter, Surabhi in person.

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 that his wife, Surabhi, daughter of the respondent No.3, a resident of Jhajjar, Haryana be produced in Court.

2. It has been averred in the petition that the petitioner and Surabhi had developed a friendly relationship and were known to each other since the year 2012. On 01.01.2019, Surabhi had got married to the petitioner at the Arya Samaj Mandir, Naharpur, Sector-7, Rohini, Delhi. A copy of their marriage certificate and photographs of the marriage have been enclosed with the paper book. It is the petitioner's claim that after the marriage, when the family members of Surabhi were informed, they asked him to send her back to their house with her sister and brother, namely, Monika and Neeraj for completing some rituals, which he did. Thereafter, the petitioner kept

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making efforts to try and meet Surabhi but was strongly resisted by her parents. As a result, he was compelled to lodge a complaint with Police Station: Mangol Puri on 05.01.2019 about his missing wife but on not getting any satisfactory information from the police, he has filed the present petition.

3. Mr.Chaitanya Gosain, learned counsel for the respondents No.1 and 2/State hands over a Status Report under the signatures of the SHO, PS: Mangol Puri. Surabhi and her father, respondent No.3 herein, are present in Court. We have held chamber meetings separately with the petitioner, Surabhi as also jointly and thereafter with Surabhi and her father. Surabhi has categorically stated that she does not wish to join the petitioner. She alleges that she was made to marry the petitioner under a false pretext and she had no intention of marrying him. The said submission is however disputed by the petitioner, who asserts that Surabhi had married him of her own free will and not under any compulsion.

4. Be that as it may, as Surabhi who is 25 years old has appeared in Court today and has stated that she is not under any pressure or coercion from any quarters and has no desire to join the petitioner, the present petition for issuance of a writ of habeas corpus qua her, is disposed of. It is now for the parties to seek legal recourse, as may be advised.

HIMA KOHLI, J

MANOJ KUMAR OHRI, J

JANUARY 14, 2019/Rkb

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