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

+ **W.P. (CRL)106/2019 & CRL.M.A. 748/2019**

SUNNY

..... Petitioner

Through Mr. Manoj K Sharma, Advocate with
petitioner in person

versus

STATE OF NCT OF DELHI & ORS.

..... Respondents

Through Mr. Chaitanya Gosain, Proxy for
Mr. Rahul Mehra, SC (Crl.) for the
State
Insp. Ram Sahay & SI Vinay, PS Neb
Sarai
Mr. Prabhav Rahi, Advocate for
Samisa with Samisa, her mother
(Sushma Devi) and maternal uncle
(Sushil Kumar) in person

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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15.01.2019

1. The present petition has been listed before this Court as the Roster Bench has not assembled today.
2. The petitioner seeks directions to the police to trace his missing wife, Samisa before the Court. It is the petitioner's grievance that he and Samisa had solemnized their marriage at a Mandir on 13.12.2018 whereafter the respondent No.3 and other family members had visited his home on 23.12.2018 with a request that they be permitted to take their daughter with

them for a day. The petitioner had agreed to the same. Thereafter, they have illegally detained his wife. Hence, the present petition.

3. Mr. Chaitanya Gosain, learned proxy counsel appearing for Mr. Rahul Mehra, Standing Counsel (Crl.) hands over the Status Report and submits that Ms. Samisa is present in Court. He states that on 12.01.2019, she was contacted through the beat staff and her statement was recorded wherein she had stated that she was forced to marry the petitioner and he and his parents have taken away her original documents etc. A complaint in this regard was made by Samisa to PS Dabri, copy whereof is enclosed with the Status Report.

4. Ms. Samisa is present in Court along with her mother and maternal uncle. The petitioner is also present. Ms. Samisa categorically states that she does not wish to go back with the petitioner. She further states that she was forced to marry the petitioner under a threat.

5. Learned counsel for the petitioner disputes the submissions made by Samisa and draws the attention of this Court to the order dated 21.12.2018, passed by the learned Single Judge of this Court in WP (Crl.) 3924/2018 filed jointly by the petitioner and Samisa asking for protection against her father on the ground that her family members are inimical to their marriage. Vide order dated 21.12.2018, police protection was granted to the couple. It is thus stated by the learned counsel for the petitioner that there was no compulsion on the part of the petitioner on Samisa to marry him and both the parties were present in the Court when the order dated 21.12.2018 was passed.

6. Ms. Samisa is an adult of 22 years and if it is her desire that she does not want to join the petitioner at her matrimonial home, then she cannot be compelled to do so. In view of her statement that she does not want to go with the petitioner, no further orders are required to be passed in the present petition. However, the parties are at liberty to seek legal recourse, as may be advised.

7. The petition is disposed of along with the pending application.

HIMA KOHLI, J

MANOJ KUMAR OHRI, J

JANUARY 15, 2019

sm/j