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

+ **W.P.(CRL) 1239/2019**

BRAJ PAL

..... Petitioner

Through: Mr.A.K. Singh, Advocate with
Mr.H.M.Farooq, Mohd. Kamran
Khan, Mr.A.Imran and Mr.Ajeet
Kumar Sharma, Advocates.

Versus

GOVT OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr.Rahul Mehra, Standing Counsel
(Criminal) with Mr.Chaitanya Gosain,
Advocate with SI Bharat Lal, PS
Ambedkar Nagar, Delhi.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

% **29.04.2019**

Crl.M.A. 9051/2019 (for exemption)

1. Allowed, subject to all just exceptions.

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2. The present petition has been filed by the petitioner praying *inter alia* for issuing directions to the respondent/Delhi Police to recover his wife, Swati from the custody of the respondent no.4, Swati's first cousin.

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3. Mr.Mehra, learned Standing Counsel (Criminal) hands over a Status Report wherein it is recorded in para 8 that keeping in mind the complaint of the petitioner that the respondent no.4 could be involved in his wife going missing from his house on 16/17.04.2019, on 26.04.2019 the police party was sent to the village of the respondent no.4 in Kangra, Himachal Pradesh. Inquiries were conducted there that revealed that the respondent no.4 is working and residing in Chandigarh. Subsequently, the police team reached Chandigarh and the respondent no.4 was contacted telephonically. He along with the petitioner's wife had appeared at Police Post, Sector-43, Chandigarh.
4. On examining Swati, she confirmed that she had got married to the petitioner in the year 2012 but stated that she was being subjected to domestic violence and he was putting unnecessary restrictions on her visits to her parents. As a result, she had left her husband's house at Dakshin Puri, New Delhi on 17.04.2019 of her own free will and come to Chandigarh. Swati had further stated that she is residing with the respondent No.4 without any pressure or coercion and is unwilling to return to the petitioner. The Status Report also records that Swati was made to speak to the petitioner over the mobile phone and she had informed him that she does not wish to return to Delhi.
5. The petitioner is present in Court and on being asked as to whether he was made to speak to his wife on the mobile phone, he admits that his wife had expressed her unwillingness to return to her matrimonial home.

6. Since, the petitioner is now aware of the whereabouts of his wife, no further orders are required to be passed on this petition. It is for the petitioner to seek his legal remedies against his wife, in accordance with law.
7. The petition is disposed of.

HIMA KOHLI, J.

VINOD GOEL, J.

APRIL 29, 2019
“shailendra”/SDP