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

+ W.P.(C) 2945/2017

SAROJ & ANR Petitioners

Through Mr. O. N. Sharma, Adv.

versus

UNION OF INDIA, MINISTRY OF HOME AFFAIRS & ORS

..... Respondents

Through Mr. P. C. Yadav, Senior Panel
Counsel with Ms. Neha Gupta, Adv
for R1 to R3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **13.05.2019**

1. Notice to respondent No.4 (Sh Mohit Kumar) has not been issued.
2. The petitioners have filed the present petition, *inter alia*, praying that direction be issued to respondent nos. 1 to 3 to hold a detailed and proper enquiry regarding the alleged misconduct on part of respondent No. 4. The petitioner further prays that direction be issued to respondent No.1 to deduct an appropriate amount from the salary of respondent No.4 and pay the same to the petitioner as maintenance of her minor child.
3. The petitioner claims that she was married to the elder brother of respondent No.4 on 12.12.1996. She alleges that despite their close relationship, respondent No.4 established a sexual relationship with her without her consent. It is stated that the petitioner has borne respondent no. 4's male child of, as a result of the forced sexual relationship.

4. The petitioner states that respondent No.4 was paying maintenance to her and the minor child. However, he has stopped providing any maintenance after July 2016. It is in this context that the petitioner prays that an appropriate amount be deducted from the salary of respondent No.4.

5. Although notice was directed to be issued to respondent No.4, he has not been served.

6. The learned counsel appearing for respondent Nos. 1 to 3 states that enquiry has already been instituted regarding the conduct of respondent No.4. In view of this statement, no directions in this regard are required to be issued by this Court.

5. Insofar as the petitioner's prayer for deduction of appropriate amount for maintenance of the minor child is concerned, it would not be apposite for this Court to entertain this controversy in this petition. It will be open for the petitioner to institute an appropriate action in this regard, including on behalf of the minor child. Needless to state that if any such action is instituted, the same shall be considered in accordance with law.

6. The petition is disposed of.

VIBHU BAKHRU, J

MAY 13, 2019

DR