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

+ W.P.(CRL) 3075/2018

PRIYA DARSHANA

... Petitioner

Represented by: Mr.Asit Kumar Roy, Advocate

versus

STATE & ORS.

.. Respondents

Represented by: Mr.Rajesh Mahajan, ASC for the
State with SI Rahul Sagar, PS Seema
Puri

Mr.Ankit Tandon with Mr.Vishal
Kamal, Advocates for respondents
No.4 to 9

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **20.02.2019**

1. By this petition the petitioner seeks the following :

(i) *Mandamus directing the Respondent No. 1 to 3 to give adequate protection and to save the life and limbs of the petitioner so that the court proceedings pending before the Ld. Court of M.M., Karkardooma Courts in Delhi can be attended, and also can enter her own house property for living peacefully.*

(ii) *Mandamus directing the respondent No. 1 & 3 for investigation/further investigation of the case of Murder of the sister of the petitioner named Bhavna by Crime Branch.*

2. Case of the petitioner is that the petitioner and her husband had married without the consent of her guardian/private respondents and she is

not being permitted to enter her house property and to live peacefully there by the private respondents who have occupied the said place. It is the case of the petitioner that her parents died leaving behind three daughters. The elder sister of the petitioner lives separately, the petitioner is not being permitted to enter the premises and the younger sister of the petitioner was purportedly murdered. Her further allegation is that despite the fact that her sister was murdered on 8th July, 2016, till date no action has been taken on the said complaint.

3. A Status Report has been filed by the State as per which on 30th January, 2018, a complaint was received at PS Seema Puri vide DD No.51B from one Raju, who alleged that he had solemnized his marriage on 28th November, 2017 with the petitioner herein with her consent and willingness. After marriage, the petitioner went to her home i.e. G-276-78 Old Seemapuri, Delhi and on 24th January, 2018, when she again went to the home on 25th January, 2018, she was not permitted to collect ATM card and other necessary documents. It is alleged that the petitioner was beaten and illegally confined and her valuable jewellery, mobile phone etc. were taken. The complaint as noted above was filed by Raju before the learned Metropolitan Magistrate who issued search warrants under Section 97 Cr.P.C. on 3rd February, 2018 when the petitioner was produced in Court and her statement was recorded. The petitioner stated that she had gone to reside with her relatives namely Suresh and Geeta who were her uncle and aunt. She did not want to live with her husband and she was compelled to leave her matrimonial home. It was her case that her husband had married her for grabbing her property. As noted above, no allegations of beating or

confinement were levelled in the statement before the learned Metropolitan Magistrate.

4. Petitioner in the instant petition has sought protection from this Court. On a query put by this court, the petitioner fairly admits that she does not reside in the territorial jurisdiction of this Court and is presently residing in Ghaziabad. Thus, no protection can be granted by this court to the petitioner.

5. As regards the second prayer of the petitioner is concerned, a PCR call was received on 8th July, 2018 vide DD No.49 B at Seemapuri regarding commission of suicide by hanging at House No.G-276, Old Seemapuri, Delhi. The police officers visited the spot and post mortem was conducted next day. As per the post mortem, cause of death was asphyxia as a result of ante-mortem hanging and no other external injury was found. On the said PCR call, inquest proceedings are going on and till date, no cognizable offence has been found to be made out.

6. Learned Additional Standing Counsel for the State submits that in case during the course of inquest proceedings any cognizable offence is found to be made out, then, FIR will be registered and action thereon will be taken in accordance with law.

7. In view of the statement of learned Additional Standing Counsel for the State and the fact that the petitioner is not residing in Delhi, no further orders are called for in the petition.

8. Petition is disposed of.

MUKTA GUPTA, J.

FEBRUARY 20, 2019/rk

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