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

+ W.P.(CRL) 3923/2018

VIPIN SAHANI

..... Petitioner

Represented by: Mr.Girijapat Kaushal, Advocate

versus

DELHI POLICE

..... Respondent

Represented by: Ms.Rajni Gupta, APP for the State
with Insp.Rajesh Kumar and HC
Rakesh Kumar, PS Jafrabad

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

11.01.2019

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1. By this petition, the petitioner had sought the prayer of timely investigation into the missing persons' complaint lodged by him on 30th July, 2018. Claim of the petitioner was that his wife and minor child were missing. In the petition, it has been stated that the petitioner married Ms.Karuna Sahani on 16th October, 2011 whereafter she gave birth to a baby boy namely Master Gurmeet Sahani in the year 2016. It is alleged that on 5th May, 2018, Karuna Sahani went to meet her parents along with his son and thereafter the petitioner was not able to get in touch with her and finally lodged a missing report. Hence he prayed that his wife and child be searched pursuant to the missing report.

2. Ms.Karuna Sahani with her minor child born from the wedlock is present in Court. She states that her husband is indulging in betting and

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because of the harassment caused by him, she has been repeatedly going to her parental home. In the 8 years of married life substantial period has been spent by her at her parental home and not the matrimonial home. She also states that due to misbehaviour of the petitioner she was compelled to move out of Delhi itself for the reason if she with her child stays at her parental home which is also in Delhi she is threatened and misbehaviour is conducted by the petitioner.

3. Considering that Ms.Karuna Sahani is present in Court along with her child and that the petitioner was aware of the fact that his wife has left the matrimonial home due to his misbehaviour and it is not the first time that she had left the matrimonial home, which material facts have been concealed in the petition, the same is liable to be dismissed with cost. In view of this concealment of material facts, Ms.Karuna Sahani with the minor child has been compelled to travel back to Delhi from Ahemdabad.

4. The writ petition is accordingly dismissed with a cost of ₹50,000/- to be paid to Ms.Karuna Sahani by the petitioner within a period of eight weeks.

5. Receipt of cost paid to Ms.Karuna Sahani will be deposited by the petitioner in this Court within eight weeks.

MUKTA GUPTA, J.

JANUARY 11, 2019

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