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

+ W.P.(CRL) 1199/2020

C.K. PATHAK

..... Petitioner

Through: Ms. Alpana Pandey, Advocate.

versus

THE STATE (GOVT. OF NCT)
OF DELHI AND ANR

.....Respondents

Through: Mr. Chaitanya Gosain, Advocate
on behalf of Mr. Rahul Mehra,
Senior Standing Counsel (Crl.) for
GNCTD.

Mr. Kedar Yadav, Advocate for
Ms. Sonali Kumari.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

HON'BLE MR. JUSTICE BRIJESH SETHI

ORDER

% **07.08.2020**

1. The hearing has been conducted through video conference.
2. The petitioner is seeking production of his minor daughter, Sonali who is missing since 06th July, 2020. Sonali is present before this Court through video conference along with her husband, Bunty Singh, and she submits that she married Bunty Singh on 15th July, 2020 and she is living happily with her husband. She further submits that she filed W.P.(CRL) 1127/2020 for protection in which the appropriate orders for the protection has been passed by the learned Single Judge.

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By: RAJENDER SINGH
KARKI
Signing Date: 07.08.2020
19:06:31

3. Mr. Chaitanya Gosain, learned counsel from the office of Mr. Rahul Mehra, Senior Standing Counsel (CrI.) for GNCTD has produced the copy of the order dated 05th August, 2020 passed by the learned Single Judge which is reproduced hereunder:-

1. *“The petitioners have joined the proceedings through the V.C. link. On being served, Respondent no. 3 has also joined the proceedings through this V.C. link along with his wife and counsel, Mr. Rajesh Mishra.*

2. *During the course of hearing, the wife of respondent no.3 has conversed with her daughter i.e. petitioner no.1 who stated that she got married to petitioner no.2 out of her own wish and will. She also stated that she is happily married and has no complaints from her marriage.*

3. *Ms. Nandita Rao, learned ASC for the State has referred to the Status Report to submit that on verification from the first school attended by the petitioner no.1 i.e. Shail Saraswati Public School, Sadhnagar, Palam Colony, New Delhi where she was admitted in pre-nursery standard, her date of birth has been recorded as 14.09.2001 in the admission records. As per the aforesaid date of birth, the petitioner no.1 was a major, being 18 years and 10 months at the time of her missing complaint. A copy of the certificate to this effect from the aforesaid school is annexed as Annexure ‘B’. Learned ASC has further referred to the certificate from the subsequent school attended by petitioner no. 1 i.e. K.V. School and as per the records of the said school, her date of birth has been recorded as 14.09.2002 which makes her 17 years and 10 months old at the time of lodging of the missing complaint. Learned ASC has further pointed out that during the physical verification, the petitioners were not found available at their given address mentioned in the memo of parties.*

4. *At this stage, Mr. Kedar Yadav learned counsel for the petitioners submits that since petitioners continue to receive threats at the hands of respondent no.3, therefore, they were not available at the given address.*

5. *In view of the above, it is directed that in case the petitioners decide to live at the address given in the memo of parties, an intimation be given to the SHO, P.S. Budh Vihar, who shall provide them with the necessary police protection at the address given in the memo of parties.*

6. *At request of learned counsel for respondent no.3 to enable him to take appropriate instructions, list on 14.08.2020.”*

4. It is noted that the petitioner appeared before the Hon’ble Single Bench on 05th August, 2020.

5. Learned counsel for the petitioner submits that the petitioner was not aware of the aforesaid petition filed by her daughter at the time of filing this petition. Learned counsel for the petitioner further submits that her daughter was minor at the time of alleged marriage.

6. This petition has become infructuous and is disposed of.

7. It is clarified that this Court has not expressed any opinion on the merits of this case and nothing recorded herein shall be construed as an expression thereof.

8. The order be uploaded on the website of this Court forthwith.

J.R. MIDHA, J.

BRIJESH SETHI, J.

AUGUST 07, 2020
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