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

+ **W.P.(CRL) 1458/2020**

ZOYA @ SHAGUN SHARMA & ANR. .... Petitioners

Through Mr Abinash Kumar Mishra, Advocate

versus

THE STATE & ORS. .... Respondents

Through Mr Avi Singh, ASC for State

**CORAM:**

**HON'BLE MR. JUSTICE VIBHU BAKHRU**

**O R D E R**

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**16.09.2020**

**[Hearing held through video conferencing]**

**CRL.M.A. 12734/2020**

1. Allowed, subject to all just exceptions.

**W.P.(CRL) 1458/2020**

2. The petitioners have filed the present petition, *inter alia*, praying that respondent nos. 1 and 2 be directed to provide protection to the petitioners.

3. It is stated that petitioner no.1 converted to *Islam* and married petitioner no.2 on 17.08.2020. It is stated that the father of petitioner no.1 has not accepted the said marriage and he has issued threats against the petitioners. It is in the aforesaid context that the petitioners pray that they be afforded adequate protection.

4. Mr Avi Singh, learned ASC appearing for the State submits that the

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father of petitioner no.1 has filed an FIR (being FIR No. 413/2010 under Section 363 of the IPC registered with PS Welcome). He had alleged that the petitioner no.1 is below the age of eighteen years and was forcibly taken away.

5. Petitioner no.1 has joined the present proceedings through video conferencing and is identified by her counsel. She states that she has joined the company of petitioner no.2 out of her own free will. She further states that her date of birth is 08.07.2002 and she was above the age of eighteen years at the material time. She also confirms that she has since married petitioner no.2.

6. Mr Avi Singh, learned ASC states that there is a controversy with regard to the date of birth of petitioner no.1; whereas, the school records and *Adhar Card* reflect her date of birth as 08.07.2002, the birth certificate issued by the Government of NCT of Delhi reflects her date of birth as 29.08.2002.

7. Be that as it may, since the petitioners apprehend harm at the hands of respondent no.3, it is necessary for the concerned police authorities to evaluate the threat perception and provide them such protection as necessary. The petitioners are directed to appear before the SHO, PS Welcome on 17 09.2020. He shall evaluate the threat perception and provide the petitioners such security as he considers necessary.

8. It is also directed that the concerned SHO, PS Welcome shall forthwith produce the petitioner no.1 before the concerned Magistrate for recording her statement under Section 164 of the Cr.PC. The concerned

Magistrate is also directed to record the same. Needless to state that notwithstanding the controversy as to the date of birth of the petitioner no.1, no coercive steps be taken against the petitioners.

9. It is also directed that the petitioner no.1 shall not be pressurised, coerced or compelled in any manner to leave the company of petitioner no.2.

10. The petition is disposed of with the aforesaid directions.

**VIBHU BAKHRU, J**

**SEPTEMBER 16, 2020**

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