

#S-23

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 05.04.2021

W.P.(CRL) 648/2021

MRS. SHASHI

..... Petitioner

versus

STATE NCT OF DELHI

..... Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Mir Akhtar Hussain, Advocate alongwith the petitioner.

For the Respondent: Mr. Sanjay Lao, ASC (Criminal) for the State alongwith Mr.Karan Jeet Rai Sharma, Advocate with the L/Ct Rekha, P.S.: Sultan Puri.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

J U D G M E N T

SIDDHARTH MRIDUL, J (OPEN COURT)

CRL. M.A. 5515/2021 (Advancement of Date)

The present application under section 482 of the Cr.P.C. has been instituted on behalf of the applicant/respondent, praying as follows:

“In view of the circumstances mentioned herein above, it is therefore most respectfully prayed that this Hon’ble Court may be pleased to prepone the date already fixed i.e. 07.04.2021 and taken up today in the interest of justice.”

Having heard learned counsel appearing on behalf of the parties, we consider it appropriate to allow the present application and advance the date of hearing of the accompanying petition to today.

The application is allowed and disposed of accordingly.

W.P.(CRL) 648/2021

1. The present *habeas corpus* petition under Article 226 of the Constitution of India read with section 482 of the Cr.P.C. has been instituted on behalf of the petitioner, praying as follows:

“1. Under these circumstances it is prayed that this Hon’ble Court may be pleased to issue appropriate writs, orders and directions including a writ in the nature of Habeas Corpus directing the respondents to produce the petitioner’s daughter Ms. Shilpi aged 18 years & 3 days before this Hon’ble Court and the petitioner’s daughter be released from illegal detention of the unknown person.

2. Any other order or direction which this Hon’ble Court may deem fit, proper and appropriate under the facts and circumstances of the case.”

2. Ms. Shilpi, the hitherto missing adult daughter of Mrs. Shashi, the petitioner, has been produced before this court alongwith her newly-wed husband Mr. Chetan.
3. We have interacted with Ms. Shilpi and Mr. Chetan, as well as with the former’s parents, namely Mrs. Shashi and Mr. Deepak, individually and collectively in-chambers today.
4. Ms. Shilpi, whose date of birth is 15.03.2002 according to the records maintained by the school first attended by her, has stated that she has married Mr. Chetan on 02.03.2021 of her

own free will and desire; and that she would like to reside with her husband.

5. Mr. Sanjay Lao, learned Additional Standing Counsel (Criminal) appearing on behalf of the Delhi Police states that Ms. Shilpi's statement was recorded before the Duty Magistrate/North West District, Rohini, Delhi on 03.04.2021. For ease of reference the directions issued on Ms. Shilpi's statement by the concerned Magistrate are reproduced *in-extenso* herein below:

"Since the girl has requested for a police protection in view of the imminent threat caused by her family, the DCP concerned is directed to provide her the requisite police protection and to make necessary arrangements for her lodging and other necessities till 7th April, 2021. Also, the same facilities/protection be extended to husband of the girl, namely, Chetan."

6. In view of the foregoing position, Mr. Mir Akhtar Hussain, learned counsel appearing on behalf of the petitioner, on instructions from the latter, does not press this *habeas corpus* petition any further.
7. No further directions are called for in the matter, save and except to direct the Investigating Officer of the case to escort the newly-wed couple to a location of the latter's choice, so as to ensure their safety and well-being.
8. The *habeas corpus* petition is disposed of.
9. The date of 07.04.2021 fixed earlier, stands cancelled.

13. A copy of this order be given *dasti* to learned counsel appearing on behalf of the parties.

SIDDHARTH MRIDUL
(JUDGE)

ANUP JAIRAM BHAMBHANI
(JUDGE)

APRIL 05, 2021/rs

[Click here to check corrigendum, if any](#)