



#S-28

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 10.01.2022

W.P.(CRL) 835/2021 & CRL.M.A. 10260/2021 (For Direction)

KESHAV KUMAR

..... Petitioner

versus

THE STATE & ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Jaspreet Singh, Mr. Ishpreet Singh & Mr. Gurbachan Singh, Advocates along with the petitioner.

For the Respondents : Mr. Sanjay Lao, Standing Counsel (Criminal) along with Mr. Karan Jeet Rai Sharma, Advocate for the State along with SHO Ajay Sharma, P.S.: Najafgarh. Mr. Gaurav Gaur, Mr. Rohit Sehgal, Mr. Avinash Mishra and Mr. Vivek Gaur, Advocates for R-2 with Mr. Mahesh Pandey, R-2.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

JUDGMENT



**SIDDHARTH MRIDUL, J. (OPEN COURT – VIDEO
CONFERENCING)**

1. The present writ petition under Article 226 of the Constitution of India was instituted on behalf of Mr. Keshav Kumar, seeking a writ of *habeas corpus* directing the official respondents to produce his legally wedded wife, Ms. Shivangi, before this court. It was the petitioner's case that Ms. Shivangi had been detained illegally and against her will at Nirmal Chhaya Complex, Jail Road, Hari Nagar, New Delhi, on the basis of directions issued by the concerned Child Welfare Committee (CWC).
2. The solitary issue that arose for consideration in the present petition before this court was with respect to Ms. Shivangi's date of birth; and consequently her age, so as to decide if she could legally be married and live with the petitioner. After numerous hearings, whereby directions were issued to the Delhi Police to conduct an enquiry into Ms. Shivangi's date of birth, it has now emerged from status report dated 27.12.2021 filed by Inspector Ajay Sharma, P.S.: Najafgarh, that Ms. Shivangi is the eldest of five children (four daughters and one son) of Shri Mahesh Pandey and Smt. Radha Devi Pandey. A purposive reading of the said status report further indicates that Ms.



Shivangi was admitted to the Government Primary School, Salempur Pandey, District Basti, Uttar Pradesh on 14.09.2007. The report of the Headmaster of that school, as well as the copy of the subject admissions register, which are annexed with the status report, clearly reflect that as per the records of the school first attended, Ms. Shivangi's date of birth is 13.07.2001.

3. In view of the foregoing, it is axiomatic that Ms. Shivangi had already attained majority on 03.01.2021, the date on which she is stated to have got married to the petitioner.
4. Ms. Shivangi, who has been produced before this court on several occasions earlier, when we have also interacted with her, has been produced before this court again today through video-conferencing by SHO Ajay Sharma, P.S.: Najafgarh.
5. Ms. Shivangi states that she married Mr. Keshav Kumar on 03.01.2021 at Riga Shiv Mandir, P.S.: Riga, District Sitamarhi, Bihar, according to Hindu rites and ceremonies, had been living with the latter peacefully, till the time she was forcibly brought back to Delhi by officers of P.S.: Najafgarh pursuant to registration of an F.I.R. into her alleged disappearance by her father, Shri Mahesh Pandey.



6. Subsequently, Ms. Shivangi was housed at the Nirmal Chhaya Complex, Jail Road, Hari Nagar, New Delhi by the Delhi Police, pending investigation into her date of birth.
7. Now, as earlier, before this court, Ms. Shivnagi expresses her desire to join Mr. Keshav Kumar, her legally wedded husband and live with him of her own free volition at their matrimonial home at RZA-81-C, Jai Vihar, Najafgarh, Delhi.
8. Shri Mahesh Pandey, who is also present before us in today's proceedings, states and undertakes not to object to the wishes and free will expressed by his daughter, in light of the aforementioned circumstances. We take on record and accept the statement and undertaking offered by Mr. Pandey.
9. Resultantly, the present *habeas corpus* petition is allowed.
10. The Delhi Police are directed to ensure that Ms. Shivangi is released from Nirmal Chhaya Complex, Jail Road, Hari Nagar, New Delhi along with her belongings and personal effects, *forthwith*.
11. Ms. Shivangi shall be at liberty to live with her husband, Mr. Keshav Kumar, as desired by her.
12. No further directions are called for in the matter.



13. With the above directions, the writ petition is disposed of. The pending application also stands disposed of.

14. A copy of this order be provided by e-mail to learned counsel appearing on behalf of the parties, as well as to the SHO of the concerned Police Station for information and compliance; and be also uploaded on the website of this court.

**SIDDHARTH MRIDUL
(JUDGE)**

**ANUP JAIRAM BHAMBHANI
(JUDGE)**

JANUARY 10, 2022/rs

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