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

% ***Date of decision: December 18, 2023***

+ **W.P.(CRL) 3714/2023**

SH. GULSHAN KUMAR

..... Petitioner

Through: **Mr. Ashok Kumar Mishra, Advocate**

versus

GOVT. OF NCT OF DELHI THROUGH POLICE

COMMISSIONER

..... Respondent

Through: **Mr. Sanjay Lao, Standing Counsel
(Crl) with Ms. Priyam Aggarwal, Mr.
Abhinav Kumar Arya and Mr.
Shivesh Kaushik, Advocates with SI
Vikash, P.S. Tilak Nagar.**

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE SHALINDER KAUR

J U D G M E N T (oral)

CRL.M.A. 34604/2023 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(CRL) 3714/2023, CRL. M.A. 34603/2023

3. The present writ petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure ('Cr.P.C'), 1973 has been filed seeking the following prayer:-

“(a) issue a Writ in the nature of HABEAS CORPUS and/ or any other appropriate Writ/Order/ Direction of like nature, directing the respondents to produce Ms. Akanksha Sharma presently in forcible and wrongful confinement of Respondent No. 3-6; before this Hon'ble Court, and to further issue a Writ in the nature of Prohibition and/or any other appropriate Writ/ Order or Direction of like nature restraining the respondent no. 3-6 from interfering or obstructing with the fundamental freedom of life and liberty of Ms. Akanksha Sharma, guaranteed to her under Article 21 of the



Constitution of India, in the light of the facts and circumstances enumerated hereinabove.

(b) Pass any other or further order which this Hon'ble Court deems fit, proper & expedite in view of the detailed submissions made herein above, in favour of petitioner and against the respondents, in the interest of justice.”

4. Learned standing counsel appearing on behalf of the respondent / State handed over across the board the status report dated 17.12.2023, same is taken on record. It is informed to this Court that during the course of enquiry, it is found that a case vide FIR No. 688/2023 dated 12.10.2023 under Section 498A/406/506/377/354/34 IPC has already been registered on the complaint of Ms. Akansha Sharma against her husband Gulshan Kumar / petitioner herein and his family members. It is further informed that notice under Section 41A CrPC has been served to the petitioner twice and his family members, however, they have not yet joined the investigation of the case and further investigation is in progress. It is also stated that one more complaint of complainant / petitioner herein Gulshan Kumar was received at PS Tilak Nagar through the office of DCP/West vide complaint no. C-2475/SHO/TN dated 08.12.2023, regarding same allegation. Both the complaints of petitioner have already been filed and complainant Gulshan Kumar has already been informed and accordingly, his wife Akansha Sharma is residing with her parents with her own will.

5. In view of the above, no order is required to be passed in the present case, same is accordingly disposed of.

SURESH KUMAR KAIT, J

SHALINDER KAUR, J

DECEMBER 18, 2023/ss