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

% ***Date of decision: 23rd February, 2024***

+ **W.P.(CRL) 607/2024 & CRL.M.A. 5619/2024**

JAI KARAN

..... Petitioner

Through: **Mr. Ram Niwas with Mr. Satish Sharma and Ms. Mumtaz Ahmad, Advocates with petitioner in person.**

versus

THE STATE OF NCT OF DELHI & ORS. Respondents

Through: **Mr. Sanjay Lao, Standing Counsel (Crl.) with Ms. Priyam Agarwal, Mr. Abhinav Kumar Arya and Mr. Shivesh Kaushik, Advocates
Inspr. Aditya Malik, PS Fateh Pur Beri
Mr. Priyank Tiwari, Advocate for respondent Nos.3 to 5.**

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Present petition has been filed by the petitioner seeking following prayer:-

“To issue the habeas corpus writ thereby directing the respondents no.2 to release the wife of the petitioner namely Rukmani from the unlawful detention of the respondent no.3-5 and further directed the respondent



no. 2 to provide the safety and security to the wife of the petitioner namely Rukmani”.

2. As per the status report dated 21.02.2024, complaint of the petitioner was received in PS Fatehpur Beri through post wherein he stated that he got married to Ms. Rukmani at Arya Samaj Mandir, Khirki Village on 28.05.2018 as per Hindu rites and rituals and the marriage was duly registered with the Office of the District Magistrate, Hauz Khas, New Delhi vide certificate No.907300000548.
3. As per the petitioner, his wife has been confined by her parents in their house without her consent and permission and they are not allowing her to unite with him.
4. As per the status report, the Inquiry Officer, SI Sohan visited the given address and recorded the statement of the father of the missing girl, who, in his statement has stated that his daughter (the wife of petitioner) is living with the family on her own but at present she is in Bihar with her maternal uncle (Mama) and that he would produce his daughter (missing girl) in the Court on the next date.
5. In view of above, the State was directed to produce the missing girl before Court on the next date, i.e., today.
6. Ms. Rukmini, the alleged missing girl is present in Court with her father and brother.
7. We have interacted with the petitioner, the alleged missing girl



and her father and brother in chamber as well as in the Court. She states that she does not dispute that her marriage with the petitioner had taken place on 28.05.2018. She submits that she however, continued to stay with her parents after marriage as she had apprehensions that her parents and parents of the petitioner would not approve such marriage being inter-caste one. She submits that she is not under illegal detention of her parents and is staying with them on her own free will. She further submits that now she wants to go with her husband i.e. petitioner herein.

8. Since the alleged missing girl is married and adult and has the right to take decision of her own and has also decided to go with her husband, petitioner herein, no further order is required to be passed in the present petition.

9. It is, however, made clear that there shall be no untoward incident or threat on the part of either side or their associates to the said couple. SHO Concerned, Fateh Pur Beri is directed to furnish his and Beat Constable's mobile numbers to the petitioner and his wife so that in case any incident takes place, the immediate action is taken against the erring persons. It is also made clear that the SHO shall assess the perception of threat and if required, security shall be provided to the couple.

10. Inspector Aditya Malik, who is present in Court, shall accompany Constable Sharmila Yadav, who is Naib Court of this Court, and escort Ms. Rukmini to the residence of her



husband/petitioner.

11. In view of the above, the present petition is disposed of.

(SURESH KUMAR KAIT)
JUDGE

(MANOJ JAIN)
JUDGE

FEBRUARY 23, 2024
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