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

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

+ **W.P.(CRL) 638/2024**

JEBIN NAGARAJAN

..... Petitioner

Through: **Mr. Manoj Kumar Sharma,**
Advocate.

versus

STATE OF NCT OF DELHI & ORS.

..... Respondent

Through: **Mr. Sanjay Lao, Standing Counsel**
(Crl.) with **Mr. Priyam Agarwal, Mr.**
Abhinav Krumar Arya and Mr.
Shivesh Kaushik, Advocates, Insp.
Kuldeep Singh, P.S. Seelampur.
Mr. S.N. Khan, Advocate.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

Crl.M.A.5935/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. The application is accordingly disposed of.

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3. This petition has been filed by the petitioner under Article 226 of the Constitution of India read with Section 482 Cr.P.C. in the nature of Habeas



Corpus seeking directions to the respondents to trace out his missing wife.

4. It is stated in the present petition that on 09.12.2023, the petitioner and the alleged missing girl had applied for marriage registration under 'Special Marriage Act' out of their sweet and free will at DC Office, Nand Nagri, Delhi-110093. On 11.12.2023, petitioner and missing girl had appeared before the Marriage Registrar at DC Office and Registrar issued 30 days' notice inviting objections, if any, regarding the marriage and fixed the date of 12.01.2024 for marriage and handing over the marriage certificate. However, on 12.01.2024, the respondent No.3 (father of the missing girl) visited the house of the petitioner and took her away. Thereafter, several times the petitioner visited the house of respondent No. 3 but the house was found locked and petitioner came to know that respondent No. 3 had forcibly arranged marriage of the missing girl against her will and consent. Therefore, the present petition has been filed.

5. Notice issued.

6. Mr. Sanjay Lao, learned Standing Counsel accepts notice on behalf of respondent-State and submits that the missing girl, who is 26 years old, is present in the Court and she has informed that she is staying with her free will with her parents and that she has now no connection whatsoever with the petitioner. Before us also, she reiterated the same.

7. In view of the above and since the alleged missing girl is an adult and staying with her parents and there is no legal relationship between her and the petitioner, no order is required to be passed.

8. At this stage, the alleged missing girl submits that her original Passport, Aadhar Card, PAN Card and 10th Class Certificate are with the petitioner and he may be directed to return the same to her.



9. The petitioner, who is present in Court, does not dispute the same and undertakes that he would return all such original documents to her counsel, Mr. S.N. Khan, Mob. No. 9811244379 within three days. Let it be done.
10. The present petition is disposed of in aforesaid terms.

(SURESH KUMAR KAIT)
JUDGE

(MANOJ JAIN)
JUDGE

FEBRUARY 23, 2024/rk