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

% ***Date of decision: 4th March, 2024***

+ **W.P.(CRL) 715/2024**

HARI SINGH

..... Petitioner

Through: Ms. Niyati Sharma, Mr. Saurabh K.
Kaushik and Mr. Himanshu
Chauhan, Advocates in person with
his wife

versus

STATE OF N C T OF DELHI ORS

.... Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) with Ms. Priyam Agarwal, Mr.
Abhinav Kr. Arya and Mr. Shivesh
Kaushik, Advocates, Insp. Kishore
Kumar and SI Rishikant Mishra
Respondent No.5 in person

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.6687/2024 (exemption)

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

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3. The present petition has been filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C. in the form of Habeas



Corpus seeking directions to the respondent to produce petitioner's daughter.

4. The brief facts of the present case are that on 08.07.2022, petitioner's daughter married to respondent No.5. On 02.02.2023, the respondent No.5 took his wife to their matrimonial house.

5. On 09.03.2023, the daughter of the petitioner filed a complaint in CAW Cell against respondent No.5 and his family members. Thereafter, respondent No.5 with the help of two females tried to abduct his daughter for which, a complaint dated 17.03.2023 was made to Police Station Vasant Kunj North, Delhi. It is averred in the present petition that the daughter of the petitioner also filed a case under the provisions of PWDV Act being Ct. Case/0000714/2023 dated 01.04.2023 against respondent No.5 before learned MM, Patiala House Court, Delhi. It is further averred that on 13.01.2024 around 12:45 PM, the daughter of the petitioner went to a beauty parlour in Mahipalpur Market and since, then she has been missing.

6. The petitioner made complaint on 03.02.2024 to SHO, Police Station Vasant Kunj North, Delhi and complaint dated 08.02.2024 to DCP Vasant Kunj North, Delhi, however, no action has been taken. Hence, the present petition has been filed.

7. On the last date of hearing, i.e. 01.03.2024, the daughter of petitioner along with her husband, i.e. respondent No.5, appeared before this Court through video conferencing and assured this Court that they shall appear physically before this Court on the next date of hearing. Accordingly, SHO concerned was directed to send police officials to escort petitioner's daughter and her husband to enable them to appear before this



Court.

8. Today, the daughter of the petitioner and respondent No.5-husband have appeared. This Court interacted with the petitioner, his wife, his daughter and respondent No.5 in chamber.

9. The daughter of the petitioner submits that she got married to respondent No.5 on 08.07.2022 with her own free will and without any pressure before the Shadi Mubarak Vivah Mandal Trust, Model Town, Rohtak according to Hindu rites and customs. She further submits that she wishes to stay with her husband and the mother of her husband has already accepted her, though her own parents are not accepting their marriage as it was against their will. She also submits that she has apprehension that her parents may cause harm to them.

10. Petitioner and his wife, whereas, submit that they have apprehension that the respondent No.5 has influenced their daughter through *jadu/tona*. The daughter of petitioner had denied and submits that such marriage is as per her own choice and will and that respondent No.5 has not influenced or pressurized her in any manner. The daughter of the petitioner also submits that she would withdraw the Ct. Case/0000714/2023 dated 01.04.2023 filed by her against respondent No.5 which is presently pending before learned MM, Patiala House Court, Delhi.

11. Since the daughter of petitioner, aged 23 years, is an adult and has married respondent No.5 with her own will and staying with him happily, therefore, no further order is required to be passed in the present petition.

12. Accordingly, the present petition stands disposed of.

13. We, however, also direct that the petitioner and his wife shall not, in any manner, create any hindrance in the married life of their daughter.



2024:DHC:1801-DE



Respondent-State is also directed to ensure that the daughter of the petitioner and respondent No.5 reach their native place safely.

(SURESH KUMAR KAIT)
JUDGE

(MANOJ JAIN)
JUDGE

MARCH 4, 2024/rk