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

+ **W.P.(CRL) 1144/2024**

RAKESH

..... Petitioner

Through: Mr. Sandeep Chauhan, Mr. P.
Pratap Singh, Mr. Amit Gautam,
Mr. Abhinav Dubey, Ms. Rekha
Goswami, Advocates with
petitioner in person

versus

**THE STATE (GOVT. OF NCT OF DELHI)
AND OTHERS**

.... Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) with Ms. Priyam Agarwal,
Mr. Abhinav Krumar Arya, Mr.
Shivesh Kaushik, Advocates and
SI Suresh Kumar

**CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MR. JUSTICE MANOJ JAIN**

ORDER
10.04.2024

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CRL.M.A.11049/2024 (for exemption)

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

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3. The present writ petition has been preferred by the petitioner under

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Article 226 of the Constitution of India seeking issuance of a writ in the nature of habeas corpus directing the respondent Nos.1 to 3 to protect life of petitioner's daughter and produce her before this Court.

4. Learned Standing Counsel appearing on behalf of State has drawn the attention of this Court to the order dated 28.02.2024 passed by learned Single Judge in W.P.(Crl) 677/2024 preferred by the same daughter of petitioner and her husband wherein they have rather stated that they are intending to marry each other but the family members (petitioner herein and his brother) are opposing their intention and wishes. She also stated therein that they have already made an application before the concerned SDM, Seelampur (North East), Delhi regarding registration of their marriage under the provisions of Special Marriage Act, 1954, which is pending consideration.

5. Petitioner and his wife are present in Court and they admit that their missing daughter is 23 years old and she has also filed the above-noted petition seeking protection of her life and liberty from her father and uncle, i.e. the petitioner herein and his brother. Petitioner also admits that he appeared before learned Single Judge on 28.02.2024.

6. SI Suresh, Police Station New Usmanpur present in Court submits that when the daughter of the petitioner appeared before learned Single Judge in W.P.(Crl) 677/2024, the petitioner and his wife had created ruckus when they met her in the Court. Since the above-noted petition is already pending consideration before learned Single Judge, no further order is required to be passed in the present matter as there is nothing to suggest any illegal detention. The petitioner herein is always, at liberty, to appear in the matter filed by his daughter and to take whatever stand, as



he may be advised. The present petition is nothing but sheer misuse of judicial process and is liable to be dismissed with heavy costs. However, we refrain ourselves from imposing any cost.

7. In view of above, the present petition is hereby dismissed.

SURESH KUMAR KAIT, J

MANOJ JAIN, J

APRIL 10, 2024/rk