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

+ W.P.(CRL) 1257/2024 & CRL.M.A.12218/2024

SMT. POONAM

..... Petitioner

Through: Mr. S.K. Dayal and Ms. Deepika
Tiwari, Advocates with petitioner in
person

versus

THE STATE GOVT OF NCT OF DELHI & ORS. Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) with Ms. Priyam Agarwal, Mr.
Abhinav Arya, Mr. Shivesh Kaushik,
Advocates for State and Insp. Vijay
Singh

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

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25.04.2024

1. The present writ petition has been preferred by the petitioner under Article 226 of the Constitution of India read with Section 482 Cr.P.C. seeking issuance of a writ in the nature of habeas corpus directing the respondent No.4 to produce her daughter, i.e. respondent No.3. Direction is also sought for respondent Nos.1 & 2 to protect life and liberty of respondent No.3 from respondent No.4 and to handover her custody to petitioner.

2. The brief facts of the case are that respondent No.3 is stated to be suffering from neurological permanent disability with a diagnose MR with



(right) infantile hemiparesis of physical disability of 61% and under treatment of Institute of Human Behaviour and Allied Sciences at Dilshad Garden, Delhi. On 05.10.2023, the petitioner made a complaint to SHO, Police Station Mandawali Fazalpur, Delhi that she was missing and accordingly, GD No.0081A, dated 05.10.2023 was recorded. Thereafter, in April, 2024, the petitioner visited Police Station Mandawali Fazalpur and came to know that respondent No.3 was under illegal detention of the respondent No.4.

3. Notice issued.

4. Mr. Sanjay Lao, learned Standing Counsel for State accepts notice and has handed over copy of status report dated 25.04.2024 and marriage certificate dated 14.10.2022 issued by Arya Samaj Shiv Vihar Mandhna in Court today which are taken on record.

5. It is mentioned in the status report that the petitioner herself informed the police that she had received a telephonic call from her said missing daughter who informed her that she had married to one Kuldeep Singh (respondent No.4) and was residing with him at Village Chaouthiyai, Madarpur, Police Station Shivli, Kanpur Dehat, Uttar Pradesh. Thereafter, on 21.03.2024, Constable Pawan reported at Police Station Shivli and along with local police, he reached the residence of said Kuldeep Singh (respondent No.4 herein) where the daughter of petitioner was also found. She informed the police that she had married to Kuldeep Singh-respondent No.4 at Arya Samaj Shiv Vihar Mandhna, 19/778, Bagdaudi Shiv Vihar Mandhna, Kanpur Nagar, UP and also provided copies of photographs of marriage. She also gave reply in her handwriting stating therein that she had come to Kanpur and had married to respondent No.4 with her own free will.



6. She has also joined the proceedings virtually through Whatsapp video call made through the phone of IO/Insp. Vijay Kumar, Police Station Mandawali Fazalpur.
7. We have interacted with her who states that she has married to respondent No.4 and has been living happily with him. Respondent No.4 has also confirmed the same through video conferencing.
8. Petitioner submits that since respondent No.4 and her daughter have married each other out of their free will, she would have no objection to their marriage, however, she wishes to visit them at Kanpur.
9. The daughter and son-in-law of petitioner agree to the same and submit that the petitioner can visit them at their residence, anytime.
10. In view of above, no further order is required to be passed.
11. Accordingly, the present petition and the pending application are disposed of.
12. Petitioner is at liberty to visit her daughter and son-in-law at their residence in Kanpur and would be at liberty to take help of SHO of Police Station of Kanpur Dehat who shall help her in arranging such meeting.

SURESH KUMAR KAIT, J

MANOJ JAIN, J

APRIL 25, 2024/rk