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

+ **W.P.(CRL) 1326/2024**

KIRAN DEVI

..... Petitioner

Through: Mr. R.V. Singh, Ms. Shilpi Singh and
Mr. K.S. Choudhary, Advocates with
petitioner in person

versus

THE STATE (NCT OF DELHI) & ORS. Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) with Ms. Priyam Agarwal, Mr.
Abhinav Arya, Mr. Ashish Kaushik,
Advocates and ASI Tahir Khan for
State

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

13.05.2024

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1. This matter is listed on the mentioning of Mr. Sanjay Lao, learned Standing Counsel (Crl.) for State as the daughter of the petitioner has been recovered from Mumbai, Maharashtra and is being produced today.
2. The present writ petition has been filed by the petitioner under Article 226 of the Constitution of India seeking writ in the nature of habeas corpus thereby directing the respondent Nos.1 & 2 to produce her missing daughter, before this Court from the wrongful confinement of respondent No.3.
3. The petitioner is aggrieved by the fact that on 20.04.2024 around 05:00 PM, her daughter went missing from her residence. Thereafter, on 22.04.2024, petitioner approached the police and vide GD No.0119A, got a “missing report” registered qua her daughter. On 23.04.2024, the petitioner received marriage photographs and marriage certificate issued from Arya



Samaj Mandir along with affidavit and intimation report through post. These suggested that her daughter had solemnized married with respondent No.3, who is real cousin of the petitioner herein. However, till date, the petitioner has no knowledge of whereabouts of her daughter. Hence, the present petition has been filed.

4. The daughter of the petitioner along with respondent No.3 have been produced in the Court today from Mumbai, Maharashtra. Such daughter submits that she has married to respondent No.3, namely, Mr. Sandeep Kumar who is real cousin brother of her mother. She further submits that she is 19 year old and she does not want to stay with her parents, and that she would like to stay with respondent No.3 only. There is no dispute with the fact that she is major.

5. Learned counsel for petitioner submits that since respondent No.3 is her real cousin brother, therefore, as per Section 5(iv) read with 3(g) of the Hindu Marriage Act, 1955, the marriage between petitioner's daughter and respondent No.3 is *void ab initio* and as per Section 18(b) of the said Act, it amounts to offence.

6. Petitioner is present in Court and submits that if her daughter is not ready to stay with her, she will sever her relation with her.

7. The daughter of the petitioner and Mr. Sandeep Kumar (respondent No.3) have been apprised about the present legal scenario but the fact remains that the daughter of the petitioner still does not want to go back to her parents and wants to remain with her husband only.

8. Since the daughter of the petitioner has already attained the age of discretion and has every right to take her own independent decision, no further order is required to be passed.



9. Accordingly, the present petition stands disposed of.
10. The date already fixed stands cancelled.

SURESH KUMAR KAIT, J

MANOJ JAIN, J

MAY 13, 2024/rk