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

+ **W.P.(CRL) 1365/2024**

MUKUL SHARMA

..... Petitioner

Through: Mr. Suraj Prakash Sharma and Mr.
Mukesh Verma, Advocates.
Petitioner's wife in-person.

versus

STATE NCT OF DELHI AND ORS.

..... Respondents

Through: Mr. Sanjay Lao, Standing Counsel for
the State with Insp. Surender Kumar
Sharma and SI Kavish Rana, P.S.:
Laxmi Nagar.
R-4 in-person.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

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02.05.2024

CRL.M.A. 13388/2024 (Exemption)

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

W.P.(CRL) 1365/2024

3. The present petition has been filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 seeking issuance of a writ in the nature of *habeas corpus* to release respondent Nos. 2 and 3 or produce the detinue (wife of the petitioner) from forceful and illegal custody of respondent Nos. 4 to 7.
4. Notice issued.



5. Mr. Sanjay Lao, learned Standing Counsel appearing on behalf of respondent No. 1-State accepts notice.

6. The brief facts of the case are that the petitioner married with Jaya Sharma according to Hindu Rites and Ceremonies. On 14.03.2024, respondent Nos. 4 to 7 requested petitioner to send his wife with them since it was her first Holi. On 15.03.2024, the petitioner sent her to respondent Nos. 4 to 7; and the petitioner's wife took her gold earring, clothes, mangalsutra, pajeb, two ring and Rs.10,000/- cash with her. On 18.03.2024, the petitioner's cousin namely, Sumi Kumar Sharma informed the petitioner that his wife was missing since evening. The petitioner and his family members made several efforts to trace her out but no clue was found. Thereafter, on 02.04.2024, the petitioner lodged complaint before DCP, Outer District vide Diary No. 2690 but the same was transferred to the jurisdiction of Laxmi Nagar.

7. The wife of the petitioner, alongwith her sister (respondent No. 4) has been produced in Court. The Court has interacted with the petitioner and his wife in Court and in chamber.

8. Ms. Jaya Sharma, the wife of the petitioner states that her husband (the petitioner herein) has not been treating her well and, therefore, she has left her matrimonial house and is presently staying in Laxmi Nagar.

9. The petitioner's wife is reportedly working in some Event Management company and she does not want to go back to her husband. Since she is major and married, she has every right to live her life on her own terms.

10. The petitioner's wife further informs that her cell phone is at the house of her husband. Petitioner confirms the same and assures that the cell



phone would be handed over to the SHO, Police Station Laxmi Nagar by 5:00 p.m. on 03.05.2024. On receipt of the same, the concerned SHO, Police Station Laxmi Nagar is directed to hand-over such cell phone to the petitioner's wife/Jaya Sharma.

11. In view of the above, no further orders are required to be passed in the matter.

12. Accordingly, the petition stands disposed of.

SURESH KUMAR KAIT, J

MANOJ JAIN, J

MAY 2, 2024/uk