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

+ **W.P.(CRL) 1902/2024**

RESHMA KUMARI & ANR.

.....Petitioners

Through: Mr. Deepak Mehra, Mr. Hitesh Chopra, Ms. Heena and Mr. Rahul Kumar, Advocates with Petitioners in-person.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel with Mr. Abhinav Kumar Arya, Advocate for State with SI Sandeep Kumar, PS: Delhi Cantt. and SI Sukh Chain, PS: Nihal Vihar with respondent Nos. 6 to 9 in-person.

CORAM:

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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01.08.2024

CRL.M.A. 18463/2024 & 18464/2024

Exemption allowed, subject to just exceptions.

Applications stand disposed of.

W.P.(CRL) 1902/2024

1. Petition under Article 226 of the Constitution of India read with Section 482 Cr.P.C. has been preferred on behalf of the petitioners with the following prayers :

“a) issue appropriate writ especially in the nature of mandamus or any other suitable writ, order or direction as may be deemed appropriate by this Hon'ble Court directing respondent no. 2 to 5 to protect the life and liberty of the petitioners and not to harass the petitioners at the instance of respondent no. 6 to 9 and



restrain the respondent no.6 and 9 from interfering with , life and personal liberty of the petitioners, as respondent no. 6 to 9 are having reservations against the marriage of the petitioners and is misusing the police force to harass the petitioners;

b) To direct the respondent no 2 to 5 to bring back the petitioners to Delhi safely and securely under the police protection;

c) To direct the respondents no.6 and 9 and their family members not harass, torture, abuse, cause any physical harm to the life and property of the petitioners and allow them to live peacefully together when they come to Delhi or at any place they like of their choice;

d) To quash the FIR/complaint and proceedings, in any, initiated at the instance of respondent no.6 and 7 (parents of petitioner no.1) against the petitioner no.2 and his parents (respondent no.8 and 9);

e) To direct the respondent no. 2 to 5 not to harass the parents (respondent no.8 and 9) and family members of petitioner no2;

f) issue any other order or directions which this Hon'ble Court may deem fit in the facts and circumstance of the Case;

g) service of advance notice upon the respondents may kindly be dispensed with;

h) exempt the petitioner from filing the certified copies of Annexure P-1 to P-2; and

i) award the cost of the writ petition in favor of the petitioners and against the respondents.”

2. Learned Standing Counsel for State is present with respondent Nos. 6 to 9 in person.

3. Learned counsel for petitioner submits that interim protection was granted to petitioner No. 2 by the learned Vacation Judge vide order dated 24.06.2024 and respondent Nos. 6 / 7 (parents of petitioner No. 1) were



directed not to harass the petitioners. He further submits that the girl was aged about more than 17 years on the date of lodging of FIR under Section 363 IPC by the father of petitioner No. 1. It is urged that during the course of investigation petitioner No. 1 stated that she had left her parental house on her own free will and petitioner No. 2 has no role in this regard. Petitioner No. 1, who is present in person and is a major, also submits that she left her house on her own free will.

4. Learned Standing Counsel for the State, on instructions of IO, submits that the matter is still under investigation and statement of petitioner No. 1, who is now a major, is yet to be recorded under Section 164 Cr.P.C.

5. In the facts and circumstances, after considering the statement made by petitioner No. 1, who is a major, it is directed that if any coercive action is intended to be taken by the investigating agency against the petitioner No. 2, a prior notice of ten days shall be given in order to enable him to seek appropriate remedy in accordance with law.

Further, since petitioner No. 1, who is a major, has expressed her desire to not return to her parental house, she cannot be coerced or forced to stay with respondent Nos. 6 and 7. No further directions are called for.

At this stage, petition is not pressed by learned counsel for petitioners without prejudice to the rights and contentions.

Taking the statement of learned counsel for petitioners on record, petition is accordingly disposed of. Pending applications, if any, also stand disposed of.

ANOOP KUMAR MENDIRATTA, J.

AUGUST 01, 2024/R