



\$~39

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(CRL) 2139/2024 & CRL.M.A. 20771/2024

NUTESH SHARMA

.....Petitioner

Through: Mr. Deepak Rana, Adv. with Petitioner
in person. (M:9811553596)

versus

STATE NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel with
Ms. Priyam Aggarwal, Adv. for State
alongwith SI Sunita, WSI Sangeeta PS
Jagatpuri.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

% **25.07.2024**

1. This hearing has been done through hybrid mode.
2. The present *habeas corpus* petition under Article 226 of the Constitution of India has been filed by the Petitioner - Nutesh Sharma seeking production of Ms. Rekha Yadav, who is stated to have been living with the Petitioner since 4th May, 2024. Ms. Rekha Yadav is married to Respondent No. 3-Mr. Anshul Yadav.
3. *Vide* Status Report dated 23rd July, 2024 it has been revealed that an FIR No. 226/2024 was lodged by the husband *i.e.*, Respondent No. 3 of the missing lady-Ms. Rekha Yadav on 05th May, 2024 under Sections 498/506 IPC in PS Khora, Ghaziabad, pursuant to which the lady was found in Himachal Pradesh in the company of the Petitioner in May 2024. Further, the status report states that on 18th July, 2024 an enquiry was made with Rekha Yadav telephonically about her present whereabouts, who in turn stated that she is living with her husband.
4. Yesterday, the Court was shown certain WhatsApp messages by the



Respondent No. 3, to submit that Ms. Rekha Yadav wishes to stay with him and their children.

5. The Court had interacted with Ms. Rekha Yadav and her husband through video call yesterday. However, in order to ascertain the wishes of Ms. Rekha Yadav, a Chamber hearing has been held today.

6. Ms. Rekha Yadav has clearly confirmed that she wishes to stay with her husband and children at her matrimonial home.

7. The Petitioner wanted to have a private conversation with Ms. Rekha Yadav, which has also been permitted and after the same, she again confirmed that she wishes to stay with her husband and children.

8. In view thereof, the present writ petition is disposed of with the following directions:-

- (i) Ms. Rekha Yadav shall live with her husband and children in her matrimonial home. As per the intention expressed by Ms. Rekha Yadav, the Petitioner – Mr. Nutesh Sharma shall not make any telephone calls either to Ms. Rekha Yadav or her family members or try to contact her in any manner whatsoever;
- (ii) The family members of Ms. Rekha Yadav, including her husband and brother shall not in any manner extend any threats to the Petitioner.
- (iii) The concerned Investigating Officer shall periodically contact Ms. Rekha Yadav and enquire about her well-being.

9. With these observations, the petition is disposed of. All pending application(s), if any, also disposed of.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

JULY 25, 2024/sn/ks/NS