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

+ **W.P.(CRL) 2351/2024 & CRL.M.A. 22952/2024**

YUNISH MALIK

.....Petitioner

Through: Mr. Mohammad Ali & Mr. Mohd.
Nadeem, Advs. with Petitioner in
person.

versus

STATE NCT OF DELHI & ORS.

....Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) with Mr. Abhinav Kr. Arya,
Adv. for State.
Insp. Pankaj Gulia & ASI Parmod,
P.S. Dayalpur.
Mr. Vijay Kinger, Ms. Roopa Nagpal,
Mr. Ashwani Gahlot, Advocates for R-
4 & 5 and mother of the girl and girl in
person.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

% **05.08.2024**

1. This hearing has been done through hybrid mode.

CRL.M.A. 22952/2024

2. Allowed, subject to all just exceptions. Application is disposed of.

W.P.(CRL) 2351/2024

3. The present petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, (*hereinafter*, 'BNSS') has been filed on behalf of the Petitioner-Yunish Malik,



son of Late Shri Sikander Khan, aged about 28 years, seeking issuance of a writ of *habeas corpus* for production of his wife, Smt. Ruksaar, who is stated to be the daughter of Mr. Indrish Malik.

4. The advance copy of the Status Report dated 05th August, 2024, has been served by the Id. Standing Counsel for Respondent Nos. 1-3 and the same is taken on record.

5. It is stated in the petition that the marriage of the Petitioner was solemnized with Smt. Ruksaar in terms of Muslim rites and rituals on 22nd June, 2021. The marriage certificate/*Nikahnama* has been placed on record as Annexure P-1. Further, the student ID card of Smt. Ruksaar issued by National Institute of Open Schooling has also been placed on record as Annexure P-3, which reflects that her date of birth is 20th September, 1994.

6. The case of the Petitioner is that after his marriage with Smt. Ruksaar in 2021, they lived together with each other for some time. However, since the parents of Smt. Ruksaar were not happy with their marriage, Ms. Ruksaar visited her parents in March, 2024 to seek their acceptance but her parents were still not willing to accept the marriage. The Petitioner further apprehends that the parents of Smt. Ruksaar have arranged another marriage for her. Hence, this petition.

7. Today, the Petitioner is physically present in Court. His wife- Smt. Ruksaar, has also been produced by her parents.

8. The Court has interacted in Chamber with Mr. Idrish Malik and Ms. Samina, who are parents of the girl Ruksaar. Both the parents state that they were not aware of the marriage being solemnized in 2021 and since the Petitioner is related to the family, they had not approved of the marriage.

9. The Court also interacted with Ms. Ruksaar, who is clear that she wants



to accompany her husband/Petitioner. It is her stand that there are several threats which have been extended by her family members including her brother and her uncle/Respondent No. 5 (*Tayaji*), against her as also her husband/Petitioner and his family members.

10. After the interaction, it is clear that both the Petitioner and Ms. Ruksaar would like to live together as they have solemnized their marriage. However, their respective families do not approve of the same.

11. Accordingly, this Court is of the opinion that Ms. Ruksaar being a major, ought to be permitted to accompany her husband-Petitioner. The concerned IO, P.S. Dayalpur, present in the Court today, shall ensure that the couple is escorted out of the Delhi High Court and are taken to a safe place so that they can proceed further to their destination where they wish to live together.

12. The undertaking of the parents of Ms. Ruksaar as also their family members is also recorded to the effect that they shall not extend any threats to the Petitioner and his wife *i.e.*, their daughter as also to the family of the Petitioner in future.

13. Learned Standing Counsel for the State submits that the contact number of the beat constable and SHO concerned will also be provided to the Petitioner and his wife. In case of any exigency, the SHO concerned can be contacted, who shall accordingly respond and take necessary steps to ensure their safety and security.

14. The concerned SHO/IO shall also visit the family of Ms. Ruksaar periodically in order to ensure that there is peace and harmony.

15. The petition is disposed of in the aforesaid terms.



16. Pending applications, if any, also stand disposed of accordingly.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

AUGUST 05, 2024
nk/NS