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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 3476/2023**
RUMA DEVI & ANR. Petitioners

Through: Mr. Rohit Shukla, Mr. Vivek Kumar
Gaurav, Mr. Abhay Solanki and Mr.
Shawez, Advs.

versus

THE STATE OF NCT OF DELHI & ORS. Respondents

Through: Mr. Sanjay Lao, SC for State with Ms.
Priyam Aggarwal, Adv. with SI Vikas
Tomar, PS. Wazirabad.
Mr. Anil Mittal and Mr. Shaurya
Mittal, Advs. for R-3/State of U.P.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

07.03.2024

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1. The present petition has been filed under Article 226 of the Constitution of India read with Section 482 Cr.P.C. seeking the following relief:-

i. *Direct the Respondent No.1 to decide forthwith the representation dated 17.11.2023, preferred by the present Petitioner and decide the same, with a written intimation to the Petitioner provide. And,*

ii. *As a consequence thereof Direct the Respondent No.1/Commissioner of Police to take appropriate action against Respondent No.2/Nathan Lal so as to secure the life and liberty of the Petitioners, in terms of the representation dated 17.11.2023. And,*

iii. *Direct the Respondent No.3/SSP UP, to get recorded the statement U/s 164 Crpc, of the Petitioner No.1, so that the Investigation of the FIR No 0259/2023, registered in the PS-Paschim Sharira, UP can*



reach to its logical solution without threatening the life and liberty of the present Petitioners.”

2. The case in the present petition is that petitioner no.1 and petitioner no.2 having attained marriageable age got married to each other on 29.10.2023 against the wishes of their respective families.
3. The learned counsel for the petitioner submits that the petitioners are being threatened by the parents of petitioner no.1. The father of the petitioner no. 1 has been arraigned as respondent no.2 in the present petition.
4. He submits that the FIR bearing No. 0259/2023 was registered at the instance of mother of the petitioner no.1 under Section 366 IPC at Police Station Sharira, District Kaushambi (U.P) alleging that the daughter of the complainant (i.e. petitioner no.1 herein), is aged about 20 years and is missing since around 04:00 P.M. of 28.10.2023. It is further alleged in the said FIR that it is the petitioner no.2, who seduced the petitioner no.1 and she left her house after taking Rs. 5,000/- in cash and jewellery articles.
5. The learned counsel for the petitioner submits that since the petitioners fear for their life, therefore, it is not possible for the petitioner no.1 to appear before the concerned Magistrate and get her statement recorded under Section 164 CrPC for the purpose of getting aforesaid criminal case closed.
6. He urges that the statement of the petitioner no.1 may be recorded before the learned CMM in Delhi so that the FIR registered against the petitioner no.2 could be taken to its logical conclusion.
7. Notice was issued in the present petition on 24.11.2023 with a direction to the State to verify the factum of marriage and to file the Status Report.
8. The Status Report has been filed, the same is on record. A perusal of the Status Report shows that the factum of marriage between the petitioner



no.1 and the petitioner no.2 has been verified.

9. In view of the above, the concerned I.O of Police Station West Sharira, District- Kaushambi (U.P) is directed to remain personally present before the Court of the learned CMM, Patiala House Courts, for the purpose of recording the statement of the petitioner no.1 under Section 164 CrPC on 15.03.2024.

10. The learned CMM, Patiala House Courts is directed that in the event the petitioner no. 1 and the concerned IO appears before him on 15.03.2024, he may either record the statement himself or mark the matter to any Link Magistrate for the said purpose.

11. With the aforesaid directions, the petition stands disposed of.

12. Order *dasti* under the signatures of the Court Master.

VIKAS MAHAJAN, J

MARCH 7, 2024/dss