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

+ **W.P.(CRL) 2566/2024**

RAJESH & ANR.

.....Petitioners

Through: Mr. Chandan Prajapati, Adv.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Criminal) with Ms. Priyam Agarwal
& Mr. Abinav Kumar Arya, Advs.
SI Sachin Dhama, PS Shalimar Bagh.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

% **11.09.2024**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed under Article 226 of the Constitution read with Section 528 of BNSS, 2023 by the Petitioners/Parents seeking writ in the nature of *habeas corpus* for production of their daughter- Ms. 'H', who was stated to have gone missing since 29th June, 2024 and had been wrongfully detained by Respondent No. 4 - Aslam
3. A Status Report dated 22nd August, 2024 had been filed on the last date of hearing. Pursuant to which, vide order dated 22nd August, 2024, it was recorded as under:

“3. SHO PS Shalimar Bagh has handed over a status report dated 22nd August, 2024 today, which is taken on record. As per the said report, the concerned IO had spoken to Ms. 'H', and she informed that she has solemnized her marriage with the Respondent No. 4 voluntarily.



4. She is currently living at Village Dhabatar, Distt.- Banka, Bihar. The girl- Ms. 'H' is a major. However, on behalf of the Petitioners, it is submitted that the parents wish to meet their daughter-Ms. 'H'. Accordingly, let Ms. 'H' and her partner/Respondent No.4 be produced on the next date of hearing."

4. In terms of the above order, the Respondent No.4 and her partner have been produced. The girl submits that she has been in a relationship with the boy for the last five years and this was also in the knowledge of her parents. In fact, the girl had moved to Bihar with Respondent No.4 and had started living with him and his family. She also states that she has been married to Respondent No.4-Aslam. However, upon being asked about any documents relating to marriage, two notarized affidavits have been produced which are titled as 'marriage affidavit'.

5. The girl and boy also state that a *Nikah* has been conducted. However, there are no documents like photographs or *nikahnama* which have been produced. The parents are also present and they have met the girl and the boy in the chambers.

6. The girl being a major does not wish to go back to the parents. In view thereof, no further orders are called for.

7. The copies of the notarized affidavits have been handed over the Id. Counsel appearing for the State. Let the same be placed on record with an index.

8. The daughter and Respondent No.4 submit that they have no objection to the parents of the girl communicating with her whenever they wish to speak to her and check regarding her well-being or even visit her in Bihar.

9. Petition is disposed of in these terms.



10. Pending application(s), if any, are also disposed of.

PRATHIBA M. SINGH, J

AMIT SHARMA, J

SEPTEMBER 11, 2024

Rahul/bh/pr