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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 2821/2024 & CRL.M.A27532/2024

SUKHAI PRASAD

.....Petitioner

Through: Petitioner and his wife in person.
versus

THE STATE (NCT OF DELHI) & ORS.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Criminal) with Ms. Priyam Agarwal
& Mr. Abinav Kumar Arya, Advs.
ASI Hansraj, PS: Mehrauli
Girl has been produced.
Boy and his mother in person.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

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12.11.2024

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner- Sukhai Prasad under Article 226 of the Constitution of India read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking a writ in the nature of habeas corpus for production of his minor daughter, who is stated to be missing since 22nd August, 2024.
3. The girl was duly traced by the Police and produced before the court on 3rd October 2024. Upon interaction with the minor girl, she had informed that she had gone away with her boyfriend, one Mr. Arun and that she was above 18 years of age. Therefore, *vide* previous order dated 3rd October, 2024 the Court had directed that the boy Mr. Arun and his parents be traced and produced before this Court. Further, upon observing discrepancies with



respect to the minor girl's date of birth in her records as against her own statement, *vide* the same order the Investigating Officer ('IO') was directed to place on record the aadhar card of all three children of the petitioner.

4. The boy and his mother have appeared before the Court today. The IO has also produced the Aadhar cards of three children of the Petitioner. Upon verifying it and comparing the same with school records, it is clear that the Date of Birth of the girl is 3rd February, 2008 and she is still a minor. She has clearly expressed her wishes to get married to the boy Arun. However, since she has not attained majority, she has been apprised that at this stage, she has to live with her parents and take a decision after she attains majority. It has also been impressed upon the parents that they shall not forcibly marry the girl against her will.

5. In the meantime, the boy also assures that he or his family would not level any threats to the girl or her parents. The same has also been assured by the girl and her parents i.e., that they shall also not contact the boy or his family in any manner.

6. Telephone number of the IO has been given to the parties. If they face any difficulty, they are free to contact the IO. The girl is now permitted to accompany her parents. Status reports and school records containing the date of birth of the girl may be retained on record.

7. The petition is disposed of. All pending applications are also disposed of.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

NOVEMBER 12, 2024/dk/Am/pr