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

+ **W.P. (CRL.) 2873/2024**

RUCHIRA MITTAL KOHLYPetitioner

Through: Ms. Vandana Sehgal, Advocate.

versus

STATE OF NCT OF DELHI & ANR.Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Criminal) with Ms. Priyam Agarwal
& Mr. Abinav Kumar Arya, Advs.
with SI Satish PS Lajpat Nagar.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

% **13.09.2024**

1. This hearing has been done through hybrid mode.

CRL.M.A. 28008/2024 (for exemption)

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

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3. The present petition in the nature of *habeas corpus* has been filed by the Petitioner-Ruchira Mittal Kohly seeking release of her deceased husband's body.

4. The case of the Petitioner is that she is the legally wedded wife of her husband and their marriage was solemnised on 15th April, 2022 (subsequently registered on 27th May, 2022). According to the Petitioner, her husband was suffering from Pancreatic cancer and he was undergoing treatment at Max Hospital, Saket. It is stated that, the Petitioner's husband was living with her at E-40, First Floor, Lajpat Nagar-III, New Delhi - 110024. He was discharged



from Max Hospital on 6th September, 2024 and palliative care was given to him at home through Max Hospital itself. Unfortunately, he passed away on 10th September, 2024.

5. Certain objections with regard to the death of the Petitioner's husband were raised by various individuals as also persons claiming to be siblings of her husband. Accordingly a WhatsApp message was sent to the Police by the one such individual and the deceased's body was picked up by the Police personnel from the residence for the purpose of postmortem. The postmortem is stated to have been conducted today itself. However, the body of her deceased husband is not being released to the Petitioner. Hence, the present petition has been filed praying that the body of the deceased be released and she may be permitted to perform the cremation of her husband without obstructions from any third party.

6. Mr. Sanjay Lao, Standing Counsel, submits that there are two other ladies, who are claiming to be the wives of the deceased, one from Italy and another from Mumbai. There are 2 siblings, one brother and one sister, who are stated to have travelled from Calcutta to Delhi on account of the bereavement and to claim the body of the husband of the Petitioner, i.e., their brother. It was further submitted that the property where the deceased was living with the Petitioner, was earlier belonging to the deceased's mother, but is stated to have been gifted to the deceased. Thus, there appears to be some property related issues.

7. Without going into the merits of the contentions of the Petitioner, or of any other Claimants, and considering the fact that the demise took place on 10th September, 2024 and the postmortem has been conducted today, it is directed that the body of Petitioner's deceased husband shall now be released



jointly to all the relatives.

8. Considering the fact that the death has taken place 3 days ago, the body may be handed over to the Petitioner and all other relatives jointly, so that they may jointly perform the cremation and other last rites of the deceased person in the crematorium itself. The last rites may be performed as per the wishes of the relatives according to the Hindu Rites in the crematorium itself in the presence of the two police constables.
9. The petition is disposed of with the aforesaid directions.
10. Pending application(s), if any, stand disposed of.
11. Order *dasti* under signature of the Court Master.

PRATHIBA M. SINGH, J

AMIT SHARMA, J

SEPTEMBER 13, 2024
MR/BH/PC