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

+ **W.P.(CRL) 3280/2024 & CRL.M.A. 31765/2024**

PRASHANT GUPTA

.....Petitioner

Through: Mr. Priyaranjan Kumar, Adv.
versus

STATE GNCT OF DELHI & ORS.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) with Ms. Priyam Aggarwal &
Mr. Abhinav Kumar Arya, Advs.
Ms. Sakshi Veerbhan, Mr. Ch. Rajeev
Kumar, Advs. for R-4.
(M:8860855355)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

% **21.10.2024**

1. This hearing has been done through hybrid mode.
2. The present writ petition has been filed by the Petitioner-Mr. Prashant Gupta under Article 226 of the Constitution of India read with Section 528 of BNSS, seeking issuance of a writ in the nature of *habeas corpus* for production of his wife - Ms. 'M'.
3. The stand of the Petitioner is that he got married with Ms. M on 12th July, 2024 at Arya Samaj Marriage Trust, old Vijay Nagar, Ghaziabad. Thereafter, it is stated that on the same date, due to family altercations in respect of the said marriage the parties appeared before PS Bindapur, where, Ms. M was permitted to go with her parents for two days and thereafter join the company of the Petitioner.
4. On 13th July, 2024, the Petitioner is stated to have received a message



through the Instagram handle of Ms. M seeking his help. It is alleged that this was followed by further messages from Ms. M. It is also stated that on 14th July, 2024 the Petitioner and his family had reached the maternal house of Ms. M, however, she was not found at the said place. Accordingly, the Petitioner filed a complaint under Section 100 of BNSS before the Id. JMFC, Shahdara, Karkardooma Courts.

5. On 19th July, 2024 the said complaint was listed before the Id. JMFC, on which date Ms. M was produced before the Court. Her statement was also recorded wherein she stated that she would like to go with her parents and not with the Petitioner. Ms. M was, accordingly, sent with her parents and the said complaint was disposed of.

6. Again on 11th September, 2024 and 2nd October, 2024, Ms. M is stated to have sent messages to the Petitioner stating that she is likely to be married off to someone else and that there is a threat to her life. Hence, the Petitioner has moved the present petition.

7. Today, the Court has interacted with the Petitioner as also Ms. M and her parents in the Chamber.

8. It has been revealed during the course of interaction that the Petitioner and Ms. M had met at their workplace which is a jewellery store located in Sector 18, Noida, Uttar Pradesh. Thereafter, they got married on 12th July, 2024 and had the said marriage registered before the Marriage Registrar Officer at SRO-Office Sadar, Ghaziabad.

9. Ms. M has, after repeated interaction with her parents and with the Petitioner as also with this Court, finally stated that she wishes to accompany the Petitioner.

10. A status report dated 20th October, 2024 has been handed over in Court



and the same is taken on record. As per the said report, the concerned Investigating Officer (IO) has produced the 10th Standard CBSE Board Results of Ms. M, wherein her date of birth is recorded as 17th September, 2001. Further, the copy of the Aadhar Card of Ms. M would show that she is 23 years of age, and accordingly, a major.

11. In view of the above facts and the statement of Ms. M before this Court, she is, accordingly, permitted to accompany the Petitioner.

12. The concerned IO shall escort the Petitioner and Ms. M to the Petitioner's house. The parents of Ms. M shall not extend any threat or pressurise Ms. M or the Petitioner in any manner.

13. The contact number of the concerned IO is being given both to the Petitioner and Ms. M and, in case of any difficulty they are free to contact the said IO, who shall in case of any exigency respond accordingly and take steps in accordance with law.

14. The SHO, PS Shakarpur shall periodically check with the Petitioner as also Ms. M as to their well-being.

15. The petition is disposed of in these terms. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

OCTOBER 21, 2024

dj/ms