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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 3385/2024

SANDEEP

.....Petitioner

Through: Ms. Vandana and Ms. Snehlata
Mishra, Advs. with Petitioner in
person. (M: 8178081837)

versus

STATE NCT OF DELHI AND ORS

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Criminal) with Ms. Priyam Agarwal
& Mr. Abinav Kumar Arya, Advs.
with Insp. A.K. Jha and SI Mahender
Patel PS Narela.

Girl has been produced.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

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13.11.2024

1. This hearing has been done through hybrid mode.
2. The present petition under Article 226 of the Constitution of India read with Section 528 of the BNSS has been filed by the Petitioner/husband- Sandeep seeking issuance of a writ in the nature of *habeas corpus* for production of his wife/Respondent No. 4, *i.e.*, Ms. 'P'. The marriage between the Petitioner and Respondent No.4 was solemnized on 6th July, 2024 at the Arya Samaj Mandir, Vardhman AC Market, Rohini, New Delhi.
3. The case of the Petitioner is that the parents of Respondent No.4 took her away on 4th October, 2024 and are not permitting her to return back to her matrimonial home.
4. On 28th October, 2024, Mr. Sanjay Lao, Id. Standing Counsel (Crl.) for

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the State, submitted that the wife of the Petitioner had been traced to Darbhanga, Bihar and she is with her parents. It was further submitted that she has already left for Delhi with her maternal uncle. Accordingly, on the said date, the Court directed the girl to be produced before the Court on 29th October, 2024.

5. The Court on 29th October, 2024 was informed that the girl left with her father by bus from Darbhanga, Bihar and has not reached Delhi. It was brought to the attention of this Court that the phone of the Respondent No. 4 and the girl's father was switched off. In view thereof, the Court directed the girl to be produced before the Court on the next date of hearing. The relevant portion of the order dated 29th October, 2024 is extracted hereinunder:

“5. Yesterday, when the matter was listed, Mr. Sanjay Lao, Standing Counsel (Crl.) had submitted that the girl is coming to Delhi along with her maternal uncle, and this Court thereafter directed them to produce the girl today. However, today, the information which the police have gathered is that the girl is stated to have left with her father by bus from Darbhanga, Bihar and has not yet reached Delhi. This was informed to the police by her maternal uncle. The phone of the Respondent No. 4 and her father are switched off. Clearly, there is a need for urgent production of the girl before this Court.

6. Accordingly, it is directed that the girl shall be produced on the next date of hearing before this Court. If there is any resistance by the parents of the girl, the police shall take steps in accordance with law to produce her.”

6. On the last date of hearing i.e. 4th November, 2024 the girl was produced before the Court along with her parents. The boy- Petitioner was also present. After an in-chamber interaction was held between the parties, it



was recorded as under:

“5. The parents and the girl were to be produced before the Court on the last date of hearing. With great difficulty, the Delhi Police has been able to contact them and today they have been produced before the Court.

6. The Court has interacted with the Petitioner, the girl and her parents. The girl is a major. She states that she was two months pregnant and aborted the child on her own accord and voluntarily. She is presently living with the parents, however, after interacting with them and considering the stance taken by the parents as also the Petitioner, the girl has expressed that she wishes to stay in a ladies/girl's hostel where she would like to avail of some counselling services and then take a decision as to how she wishes to proceed. Accordingly, let the girl be accompanied by the Investigating Officer to her Bua's house in Delhi where she would collect her belongings and be stationed at the following ladies/girl hostel:

Nari Niketan, Hari Nagar Delhi, Pin Code-110064

7. At the said ladies hostel she be provided the service of a family counsellor who can talk to her at least on a daily basis. She shall be produced again on the next date of hearing. The Petitioner and the girl's parents shall also remain present on the next date of hearing. The In-Charge of the hostel shall ensure that if there are any visitors for the girl, the girl would be free to decide whomsoever she wishes to meet. No one else would be permitted to meet her against her wishes.”

7. As can be seen from the above, the girl expressed her wish not to accompany either her parents or the boy and that she would like to avail counselling services. Accordingly, the girl was directed to be stationed at Nari Niketan, Hari Nagar, Delhi.

8. Today, the girl and her parents are present in Court. The Petitioner is also present.



9. The report of the Counsellor has been received, which shows that a detailed counselling was conducted for Ms. 'P'. The girl, Ms. 'P' has confirmed her relationship with the Petitioner- Sandeep. Both of them got married on 6th July, 2024. As per the report, upon learning of her father's medical condition regarding a surgery scheduled for 10th July, 2024, she had accompanied her parents to Himachal Pradesh. The girl had then discovered that she was also pregnant. The boy had intended for proper marriage rituals to be conducted with the girl in the presence of family members, so that she can again start living with him.

10. Thereafter, the girl's family had moved to Bihar on 4th October, 2024 when she had disclosed her pregnancy to the family. It is stated that Ms. 'P' had aborted her pregnancy due to social stigma and family pressure through medication. At that stage, she had contacted the Petitioner out of fear.

11. The report records that the girl was given proper psychotherapy and in a proper environment where she had expressed her feelings and concerns to the Counsellor at the Mental Health Unit ('MHU'), Manas Foundation. As per the report of the Counsellor, MHU, Manas Foundation dated 6th November, 2024 handed over in Court today, the girl was completely cooperative with the Counsellor.

12. The Court has perused the impressions and recommendations given in the report of the Counsellor. Further, the Court has interacted with the girl, Ms. 'P' again today. In addition the Petitioner and her parents are also present. The girl appears to be in a better mental state than she was on the last date of hearing. She has clearly expressed her willingness to stay with the Petitioner. However, her relationship with the Petitioner is not acceptable to the parents at this stage. The girl has clearly expressed that she would like to accompany



the Petitioner from the Court itself.

13. Considering the fact that the girl is a major, she is permitted to accompany her husband, the Petitioner- Mr. Sandeep.

14. The concerned Investigating Officer shall accompany the Petitioner and Ms. 'P' to a safe location. No further orders are called for in this petition.

15. The petition is disposed of.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

NOVEMBER 13, 2024/dk/rks/sc