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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 3579/2024

MOHSANA BEGUM

.....Petitioner

Through: Mr. Rajesh Pandey, Ms. Harshita &
Mr. Amit Vashisht, Advs. with
Petitioner in person.

versus

STATE OF NCT DELHI AND ORS.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) with Ms. Priyam Aggarwal & Mr.
Abhinav Arya, Advs. with Insp. Rajiv
Kumar PS Ashok Vihar.
The boy and the girl in person.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

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29.11.2024

1. This hearing has been done through hybrid mode.
2. The present petition has been filed on behalf of the Petitioner - Moshana Begum 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 her daughter - Ms. 'S' who is stated to have gone missing on 8th November, 2024.
3. It is the case of the Petitioner that her daughter is in the illegal custody of Respondent No. 3- Mr. Aarush Kumar @ Suraj Yadav. There are also allegations that objectionable videos of the Petitioner's daughter are in the possession of Respondent No. 3.
4. On 14th November, 2024 the Court directed the Respondent State to produce the daughter of the Petitioner and the Respondent No. 3 on the next date of hearing.
5. The police were able to trace the location of the missing girl and the boy



on 13th November, 2024. Thereafter, on 18th November, 2024, the missing girl herself came to PS Ashok Vihar and she was medically examined at Deep Chand Bandhu Hospital. **MLC No. 9564/2024** was recorded wherein Ms. 'S' had informed the concerned doctor that she was in a consensual relationship with the Respondent No. 3. Further, the Petitioner's daughter is stated to have refused to undergo any internal examination.

6. A status report dated 18th November, 2024 was handed over to the Court on 28th November, 2024 by the Id. Counsel for the State. It was stated in the said report that on 8th November, 2024, a complaint was lodged by the father of the missing girl at PS Ashok Vihar, Delhi, alleging that the Respondent No. 3 had forcefully taken away his daughter. It was also alleged that the Respondent No. 3 had circulated certain objectionable photos and videos of Ms. 'S' over the internet. It is further, stated in the said status report that when the statement of the mother of the missing girl was recorded, none of the said allegations were disclosed.

7. The Court had an in chamber interaction with the girl on 28th November, 2024. On the said date, the girl informed the Court that she wishes to continue to be in a relationship with Respondent No. 3. She further informed that she was married to Respondent No. 3 on 10th November, 2024 in the Arya Samaj Mandir. In view thereof, to ascertain the wishes of Respondent No. 3, the Court on 28th November, 2024 directed that the Respondent No. 3 along with the missing girl be produced in Court today.

8. Today, the Respondent No. 3 is present in Court. The missing girl is also present along with her mother, the Petitioner. The Court has had an in chamber hearing with all the parties present.

9. Id. Counsel for the Petitioner has produced some images and videos of the girl which are objectionable in nature. The same are alleged to have been



uploaded on Instagram and it is submitted that they were also made viral.

10. It is submitted by the boy and the girl that the Instagram account on which the aforesaid objectionable photos/videos were uploaded has been deleted. Further, it has been alleged by the boy and the girl that the video was saved privately on Instagram, but some third party hacked the account and misused the video.

11. The boy states that his mother lives in Muzaffarpur, Bihar and he would be living with the girl in Muzaffarpur itself. They have also got married in the Arya Samaj Mandir on 10th November, 2024.

12. The boy and the girl are both major. The mother of the girl does not approve of the marriage or the boy. She submits that she would like to cease all relationships with the girl.

13. In view of the fact that the girl is clear that she does not wish to accompany her mother, no further orders are called for in this petition. Considering she is a major, she is free to accompany the boy.

14. It is made clear that the Respondent No. 3 shall not level any kind of threats to the Petitioner and her family.

15. With respect to the pictures/ videos of the girl which were posted on Instagram, the concerned Investigating Officer is free to instruct Instagram to take down the same, if they are still available on the said platform.

16. The petition is disposed of in the above terms.

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

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

NOVEMBER 29, 2024/dk/rks