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

+ **W.P.(CRL) 3613/2024**

RAHUL KUMAR

.....Petitioner

Through: Ms. Smita Rajgarhia, Advocate
alongwith Petitioner in person.

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Sanjay Lao, Standing counsel
(Crl.) for the State with Ms. Priyam
Agarwal & Mr. Abhinav Kumar Arya,
Advocate.
Insp. Ravindra Singh, P.S. Tigri.
The girl alongwith her parents.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

% **28.11.2024**

1. This hearing has been done through hybrid mode.

CRL.M.A. 34619/2024 (exemption)

2. Allowed, subject to all just exceptions. The application is accordingly disposed of.

W.P.(CRL) 3613/2024

3. The present petition under Article 226 of the Constitution of India read with Section 528 of the BNSS has been filed by the Petitioner-Rahul Kumar, seeking issuance of a writ in the nature of *habeas corpus* for the production of his wife, Ms. Nandini, with whom he is allegedly stated to have solemnised marriage on 27th August 2024.



4. As per the petition, she has lived with the boy/Petitioner in A/277, Sangam Vihar, Delhi till 13th October, 2024. However, her parents and family had visited her on 13th October, 2024 at around 05:00 PM and she then accompanied them to her parental home. According to the Petitioner, various threats have been levelled against him by the girl's family and that she was also subjected to certain physical abuse. The Petitioner thus prays that she be produced before this Court.

5. On behalf of the State, a status report dated 28th November, 2024 has been filed. As per the said report, the marriage is not registered as she was not 18 years of age at the relevant point in time. Further, the report also states that though the photographs of the marriage have been attached with the petition, there are no documents showing registration of the marriage. The Aadhar card of the girl that has been produced shows that her date of birth is 11th October, 2004 - as per the same, she is a major. However, the Investigating Officer has found that as per the school records, the date of birth is 11th October, 2006, in which case, she is not a major on the date of the alleged marriage.

6. On advance service being done, today, the girl, her parents as also the Petitioner are present. This Court had an in-chamber interaction with them. The parents have categorically stated that they do not approve of the marriage of the girl with the Petitioner. The girl has been queried as to her choice and she has clearly stated that she wishes to accompany the Petitioner/boy. Since, as on date, she is a major, she is permitted to accompany the Petitioner/boy.

7. It is also directed that the parents shall ensure that they do not interfere in the peaceful living of the girl and the boy and they also shall not level any threats against them. The telephone number of the concerned Investigating Officer shall be provided to the Petitioner as well as the girl, whom they can



contact in case they feel the need to do so.

8. The petition is disposed of in the aforesaid terms.

PRATHIBA M. SINGH, J

AMIT SHARMA, J

NOVEMBER 28, 2024/bsr/Am