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

+ **W.P.(CRL) 3634/2024**

SMT.SONI DEVI

.....Petitioner

Through: Mr. Arbind Kumar, Adv.

versus

STATE GOVT. OF NCT OF DELHI AND ORS.Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Criminal) with Ms. Priyam Agarwal
Adv.

Insp. Raj Pal, PS Binda Pur.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

% **27.11.2024**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed under Article 226 of the Constitution of India on behalf of the Petitioner-Soni Devi seeking issuance of a writ in the nature of *habeas corpus* for the production of her daughter, Ms. 'S', who is stated to be 19 years old.
3. The case of the Petitioner is that her daughter went missing from their residence at H. No. 75, Gali No. 7, Guru Hari Kishan Nagar, Matiala Extn, Delhi (*hereinafter, the 'residence'*) on 4th November, 2024.
4. According to the Petitioner, her daughter, Ms. 'S' got married to one Mr. Gaurav, S/o Bablu Singh on 18th October, 2024 at Arya Samaj Mandir, Delhi on her own free will. Thereafter, the daughter came to the residence and



suddenly on 4th November, 2024 she went missing. The phone of the daughter was switched off and she could not be found despite multiple efforts by the Petitioner. Consequently, the Petitioner filed a missing complaint dated 5th November, 2024 at PS Bindapur, New Delhi. However, the whereabouts of the Petitioner's daughter could not be traced. Hence, the present petition.

5. Today, on advance notice, the State has produced a Status Report dated 27th November, 2024. The said report reveals that the missing girl, Ms. 'S' has been traced. She was found to be living with one Mr. Sumit. On a query by the police, the girl stated that she got married to Mr. Sumit on 13th November, 2024 at Arya Samaj Mandir, Village Dargal, District Ghaziabad, U.P. The marriage registration certificate is also stated to have been issued. According to the Status Report, the boy is a major and his date of birth is shown to be as 10th September, 2003.

6. The girl has been produced in Court today. The boy – Mr. Sumit along with his *mama ji* have also appeared. The Petitioner and her other daughter i.e., the sister of the missing girl are also present in Court.

7. The Court has had an in-chamber interaction with all the parties present. During the in chamber interaction, the girl, Ms. 'S' claims that she first got married to Mr. Gaurav on 18th October, 2024 because he was emotionally harassing her. This fact is denied by the mother and sister of Ms. 'S'. It is stated by the sister of Ms. 'S' that she watched a live video of the marriage which took place between Ms. 'S' and Mr. Gaurav on 18th October, 2024 wherein her sister appeared to be content and the marriage appeared to be consensual.

8. The girl Ms. 'S' appears to have changed her mind and subsequent to the marriage with Mr. Gaurav she has got married to Mr. Sumit on 13th



November, 2024. Thus, in effect, the girl has performed two marriages with two boys.

9. The Id. Counsel for the Petitioner has also informed the Court that the Aadhaar card showing the date of birth of the boy – Mr. Sumit as 10th September, 2003 is not the correct Aadhaar card. The Id. Counsel has produced an Aadhaar card which reflects Mr. Sumit's date of birth as 13th January, 2004. Thus, as per this Aadhar Card Mr. Sumit is not 21 years of age.

10. The girl, Ms. 'S' expresses that she wants to live only with Mr. Sumit and reiterates that she only got married to Mr. Gaurav because of emotional pressure exerted on her by him.

11. Considering the overall facts and circumstances of this case, *prima facie* it appears to the Court that the girl has performed two marriages. One with Mr. Gaurav on 18th October, 2024 and the second with Mr. Sumit on 13th November, 2024. There are also various allegations which are levelled by the Petitioner and her family against the *mama ji* of Mr. Sumit who is also present.

12. The petition has in effect become infructuous as the girl, Ms. 'S' has been produced before the Court. However, since she wishes to accompany Mr. Sumit and since she is a major who is 19 years of age, she may do so.

13. It is however made clear that the parties are free to avail remedies in accordance with law. The concerned Investigating Officer shall proceed in law with respect to the two marriages of Ms. 'S' with two separate individuals. If any action is taken by the Police, investigation shall also be conducted to ascertain the age of Mr. Sumit.

14. The petition is disposed of. This Court has not considered the merits of any allegations levelled in this matter.



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

PRATHIBA M. SINGH, J

AMIT SHARMA, J

NOVEMBER 27, 2024

Rahul/Rks/pr