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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 66/2025

SH. PREM PRAKASH

.....Petitioner

Through: Mr. B.S. Chauhan, Adv. with
Petitioner in person.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) with Ms. Priyam Aggarwal &
Mr. Abhinav Kumar Arya, Advs.
SHO/ Inspector Karuna Sagar, PS
Budh Vihar and SI Sumit Dahiya.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE DHARMESH SHARMA

ORDER

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13.01.2025

1. This hearing has been done through hybrid mode.
2. The present petition has been filed under Article 226 of the Constitution of India read with Section 528 of the BNSS seeking issuance of a writ in the nature of *habeas corpus* for production of the Petitioner's sister - Ms. S.
3. It is the case of the Petitioner that Ms. S was missing since 5th December, 2024. It is stated that a complaint was filed in this regard with the DCP, Delhi Police, Rohini District. However, since no steps have been taken to trace Ms. S, the Petitioner has filed the present petition.
4. Today, the State has produced the girl - Ms. S and one Mr. Satlesh. The ld. Standing Counsel for the State has handed over a status report dated 13th January, 2025 and the same is taken on record. As per the said report, statements of both the girl and Mr. Satlesh had been recorded by the police



during the course of enquiry on 12th January, 2025. The Court has perused the said statements. Ms. S in her statement has stated that she got married to Mr. Satlesh on 7th December, 2024, in Aligarh, Uttar Pradesh and that at present she is living peacefully with her husband at her matrimonial home.

5. The Court has interacted in Chamber with Ms. S and Mr. Satlesh, as also the brother *i.e.*, the Petitioner and the mother of Ms. S, who are also present before the Court. The girl *i.e.*, Ms. S, is 20 years of age and she does not wish to go back to her parents. However, the mother and brother of the Petitioner are not willing to give their consent to the marriage. The mother and the brother of the girl submit that they do not want to have any relationship with the girl - Ms. S.

6. The girl's family also contends that the girl is not a major. It is submitted by Id. Counsel for the Petitioner that incorrect age had been mentioned in the girl's Aadhar Card in order to enable her school admission at an early age. The Id. Counsel submits that the bone ossification test should be conducted to ascertain the correct age of the girl.

7. Heard. No document has been placed on record to show that the girl's age is different from the one specified in her Aadhar card (annexed with the present petition) which is 5th January, 2005. Since, there is no other document establishing any other age of the girl, the Court is of the view that a bone ossification test is not required in the present case. Accordingly, the date of birth mentioned in her Aadhar card is taken as the correct date of birth.

8. It is noticed that in this case, though, the complaint was lodged on 5th December, 2024, till date, no FIR has been registered. Id. Counsel for the State submits that since the girl is above 18 years no FIR has been registered.

9. Considering the fact that the girl being a major and she has married as



per her wishes and living with her husband and in-laws, the relief sought is not tenable. Accordingly no further orders are called for in this petition.

10. The present petition is disposed of in these terms. All pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J

DHARMESH SHARMA, J

JANUARY 13, 2025

dj/ms