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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 260/2025,CRL.M.A. 2232/2025&CRL.M.A. 2233/2025**
NIDHI RAJBHAR & ANR.Petitioners

Through: Ms. Renu, Mr. Kamlesh Kr. Mishra,
Mr. Himanshu Deegwal, Ms. Pragya
Jaiswal, Ms. Shivani Verma and Mr.
Rustam Qureshi, Advs. along with
Petitioners in person.

versus

UNION OF INDIA & ORS.Respondents
Through: Mr. Shashank Bajpai (CGSC with Ms.
Lavanya (GP) and Ms. Stuti Karwal,
Adv. for R-1 and 2 (M: 9888388928)
Insp. Dharmender Kumar along with
SI Deepak, PS Jahangirpuri (M:
7503136314)

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE DHARMESH SHARMA

ORDER
% **24.01.2025**

1. This hearing has been done through hybrid mode.
2. The present writ petition under Article 226 of the Constitution of India has been filed by the Petitioners *inter alia* challenging Section 183 of the Bharatiya Nagarik Suraksha Sanhita. The facts on the basis of which this writ has been filed is that the Petitioner No.1-Nidhi Rajbhar, who hails from Azamgarh has left her parental home along with Avinash.
3. It is her case that she got married to Avinash on 4th January, 2025. As per the petition, their marriage was solemnized in Karim Ganj, Farrukhabad, Uttar Pradesh as per Hindu rites and rituals. However, on 4th January, 2025,



the father of the girl filed a complaint and a ***FIR No. 6/2025*** has been registered at PS Jiyanpur under Sections 87, 352 and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter '*BNS*') alleging kidnapping.

4. The case of the Petitioners further is that they are presently residing in Delhi and the prayer in this petition is for directions to any Magistrate in Delhi to record the statements of the Petitioners and grant them protection.

5. Firstly, this Court is of the opinion that the Petitioners hail from Uttar Pradesh, ideally the statement can only be recorded in the concerned jurisdiction. However, considering the fact that the Petitioners are physically present in Court and they are two young persons, who state that they have been married, the Court is of the opinion that the intention ought to be ascertained.

6. Ld. Counsel identifies both the Petitioners. Accordingly, the Court has interacted with the girl. She states that she has known the boy for the last three years and wanted to marry him. However, there was objection from the family and, therefore, she decided to voluntarily leave with him and got married to him on 4th January, 2025. She relies on her Aadhar Card which shows her date of birth as 13th August, 2005, as per which she has attained the age of majority.

7. She further states that she is studying BSC in DBSK Girls College, Azmatgarh, Uttar Pradesh. On being queried as to where the couple are living presently, she states that they are living in Jahangirpuri along with the cousin sister of the boy (*Mama's* daughter).

8. Under these circumstances, it is clear that the girl is a major and as per the statement recorded above, the girl is voluntarily living with the boy. The father's complaint has also been perused and it is seen that the same has been filed under Sections 87, 352 and 351(2) of the BNS, alleging kidnapping. The



girl and the boy are clear that they are married as per Hindu rituals and living together voluntarily.

9. Accordingly, today's order may be communicated by the Delhi Police to the concerned PS in Azamgarh, PS Jahangirpuri (as they are residing within the jurisdiction of the said police station) and PS Jiyanpur, Zila Azamgarh, UP so that they can proceed in accordance with law.

10. The Id. Counsel for the State points out under Section 183 of BNSS, the statement is to be recorded by the concerned Magistrate where the information has been registered.

11. It is made clear that this order shall not be construed as a statement under Section 183 of the BNSS. As the Petitioners having appeared before the Court physically, while exercising extraordinary writ jurisdiction, this Court has found it appropriate to record their standpoint in the facts of this case.

12. In view of the above order, the Petitioners do not press the challenge to Section 183.

13. The concerned SHO, PS Jahangirpuri shall ensure that the Petitioners are not troubled in any manner.

14. The writ petition is disposed of along with all the pending applications. No further orders are called for.

PRATHIBA M. SINGH, J.

DHARMESH SHARMA, J.

JANUARY 24, 2025/gunn