



\$~10

*

IN THE HIGH COURT OF DELHI AT NEW DELHI***Date of Decision: 11th March, 2025***

+

W.P.(CRL) 514/2025**RAJ KUMAR**

.....Petitioner

Through: Mr. S. H. Ansari, Advocate.
(M: 9810340436)

versus

STATE NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) with Ms. Priyam Agarwal and Mr.
Abhinav Kr. Arya, Advocates for State
alongwith Insp. Ritesh Raj, PS-Raj
Park.**CORAM:****JUSTICE PRATHIBA M. SINGH****JUSTICE RAJNEESH KUMAR GUPTA****Prathiba M. Singh, J.(Oral)**

1. This hearing has been done through hybrid mode.

CRL.M.A. 4617/2025 (for exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

W.P.(CRL) 514/20253. This is a petition filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of *habeas corpus* for the production of the Petitioner's niece.

4. A detailed status report dated 9th March, 2025 under the signature of SHO, PS Raj Park, has been handed over on behalf of State by the office of Mr. Sanjay Lao, Ld. Standing Counsel (Criminal). The same is taken on record. As per the said status report, the missing girl and the boy, Mr. Prashant, have not been traced. However, some further information has been revealed relating to the girl and the boy. From the status report, it can be clearly gleaned that they had



already gotten married in the year 2021 through Court Marriage, at Farukabad, Uttar Pradesh. Further, the statement of one Mr. Netra Singh, maternal-uncle of Mr. Prashant, who is a retired Sub-Inspector from the Uttar Pradesh Police has been recorded. The said statement is annexed along with the status report as 'Annexure-E'.

5. A perusal of the statement given by Mr. Netra Singh reveals that the Court marriage of the couple took place in the year 2021. He has also made a statement that thereafter the families of the parties had sat down together to try and resolve the issues so that the wedding can be held in a customary manner as well. This meeting was held on 13th February, 2025 which is the date when the first order was passed in this petition. The relevant extracts of the status report are also set out below :-

"IV. That on 07/03/2025, the team lead by Insp. O.P. Mandal also went to the house of Net Singh at village Morcha Nahar, PS Raja ka Rampur, Distt. Eitah, Uttar Pardesh, maternal uncle of Prashant but Prashant could not be found at that place also. Net Singh informed that the missing girl 'K' had married his nephew Parshant Yadav S/ Yashbir Singh R/o Village Karanpur, Post-Bhaisrashi, PS Patiyala Janpat, Distt Kashganj, Uttar Pardesh in 2021 through court marriage. He also provided a copy of the marriage certificate dated 22-07-2021 issued by Registrar Marriage, Tehsil Sadar, Farrukabad, Uttar Pardesh, and as per this marriage certificate the marriage was solemnized between the missing girl Kanchan and alleged Prashant Yadav on 19/07/2021 in Farukhabad UP. New fact also came in light that the missing girl 'K' and the alleged Prashant had also approached the Hon'ble High Court of Allahabad by way of Writ C.No.19145 of 2021 and the Hon'ble Court had disposed off the said petition vide order dated 10/08/2021. A perusal of the said order shows that missing girl 'K' and alleged Prashant had claimed themselves to be a married couple and apprehending threat from the



parents of the petitioners as well as from the police authorities. Copies of the certificate and above noted order dated 10/08/2021 are also enclosed with the status report as Colly Annexure-D.

V. Net Singh also stated that families of the boy namely Prashant and the missing girl namely 'K' held a joint meeting on 13.02.2025 regarding their ceremonial marriage, but no conclusion could be arrived at in that meeting and he was also present in that meeting. A statement of Net Singh S/o Late Shri Ram Nath Singh R/o Village Morcha Naher, PO & PS Raja Ka Rampur Janpat, Distt Eitah, Uttar Pradesh was separately recorded and a copy of the same is enclosed with the status report as Annexure-E. A DD Entry regarding the raid proceedings was lodged at PS Raja Ka Rampur, Distt. Eitah, Uttar Pradesh vide GD No. 34 dated 07/03/2025 and a copy of the same is enclosed with the status report as Annexure-F.

VI. Thereafter, on 07/03/2025, the team lead by Insp. O.P. Mandal, conducted a raid at the parental house of Prashant at village Karanpur Nangla, PS Patiyali Janpat, Distt Kashgunj Uttar Pradesh but said house was found locked but one female namely Smt. Preeti, aunt of Parshant met at the village who refused to give her statement but informed the team that Prashant and his family don't live here and they have shifted somewhere in Farrukabad. A DD Entry regarding the raid proceedings was lodged at PS Patiyali, Distt. Kashgunj, Uttar Pradesh vide GD No. 53 dated 07/03/2025 and a copy of the same is enclosed with the status report as Annexure-G.

VII. During the entire proceedings, the complainant/Petitioner Raj Kumar remained present with Police team and his statement was recorded and a copy of the same is enclosed with the status report as Annexure-H."

6. In fact, a petition was filed by the couple before the Allahabad High Court



being **WRIT-C No.19145/2021**, titled **Smt. Kanchan Kumari & Anr. v. State of U.P. & Ors.** wherein vide order dated 10th August, 2021, the High Court had directed as under :-

“By means of this writ petition, petitioners are claiming following reliefs:

“(i) Issue a writ, order or direction in the nature of mandamus commanding the respondents not to interfere in the peaceful marital life of petitioners as husband and wife and direct to the respondent no.2 and 3 to provide protection to the petitioners.

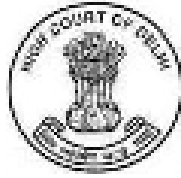
(ii) Issue a writ, order or direction in the nature of mandamus commanding the respondents not to visit and knock the door of the petitioners.

(iii) Issue any other writ, order or direction as this Hon’ble Court may deem fit and proper in the facts and circumstances of the case to secure the ends of justice.

The petitioners are claiming themselves to be a married couple. They have alleged that they got married on 19.7.2021 and are apprehending threat from the parents of the petitioners as well as from the police authorities. However, petitioners have still not approached before the police authorities for seeking protection in view of the Government Orders dated 31.8.2019 and 5.9.2019, hence this petition is premature, therefore, the prayers made in this writ petition are rejected.

However, the petitioners are at liberty to approach the concerned police authorities with the prayer for protection in view of the aforesaid Government Orders

With the aforesaid direction, the writ petition stands disposed of.”



7. It is noted that none of these facts have been disclosed by the Petitioner before this Court. In fact, the Petitioner who is present in Court was queried and admitted that he knew various facts including facts relating to the marriage in 2021, family meetings in February 2025 etc., He had also accompanied the police to UP when the statement of Mr. Netra Singh has been recorded in his presence. He doesn't dispute any of the facts stated by Mr. Netra Singh. The Id. Counsel has expressed surprise in the Court that the Petitioner did not disclose these facts to him. Accordingly, the present writ of *habeas corpus* is not maintainable in the opinion of the Court.

8. Thus, the present petition is dismissed. Pending application(s), if any, also stand disposed of.

9. In view of the above conduct of the Petitioner who claims to be the uncle of the missing girl, of not disclosing various facts, the Petitioner shall contribute a sum of Rs. 10,000/- to the Delhi High Court Legal Services Committee within four weeks.

10. Let the office of Mr. Sanjay Lao, Id. Standing Counsel (Criminal) ensure that the Petitioner complies with the directions of the Court.

PRATHIBA M. SINGH
JUDGE

RAJNEESH KUMAR GUPTA
JUDGE

MARCH 11, 2025/nd/ss