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

+ **W.P.(CRL) 613/2025**

RAUSHAN KHATOON & ANR.

.....Petitioners

Through: Mr. Akshay Bedi, Adv.
versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Jagdish Chandra, CGSC for UOI
with Mr. Shubhuam Kumar Mishra,
Adv. alongwith Mr. Ratan Prakash,
GP.
Ms. Rupali Bandhopadhyaya, ASC
(Criminal) with Mr. Abhijeet Kumar,
Adv. for the State.
SI Amit Jaglan, P.S. Prem Nagar.
Mr. Shubham S. & Mr. Manish
Kumar, Advs. for State of Bihar.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

07.03.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Article 226 of the Constitution of India read with Section 528 of the BNSS, seeks the following prayers:-

“In light of the foregoing, the Petitioners respectfully pray that this Hon'ble Court may graciously be pleased to direct the Respondents by issuing Writ of Mandamus or any other Writ:

a) Direct Respondents No. 1 to 4 to ensure that Petitioner No. 1 is provided adequate police protection both while traveling to Bihar and during her return journey to Delhi, enabling her to safely give her voluntary statement to the Bihar Police and return to Delhi without any threat or harassment at the hands of her parental family and her in-laws. b) Direct Respondent No. 4 to



ensure that the Bihar Police record the statement of Petitioner No. 1, voluntarily and without any undue pressure, coercion, or influence, wherein she may state that she left her parental home of her own free will.

Or,

Alternatively, in the event that Petitioner No. 1 's safety cannot be ensured during her travel to Bihar, direct Respondent No. 4 to ensure that the Bihar Police records Petitioner No. 1's statement in Delhi, ensuring that the process is conducted fairly and without undue influence or pressure.

c) Direct Respondent No. 1 to 3 to provide Police Protection to Petitioner No.2 in Delhi till the time Petitioner No. I records her statement before the Bihar Police

d) Pass any other order or relief that this Hon'ble Court may deem fit and just, in the interest of protecting the life, liberty, and well-being of the Petitioners.”

3. It is the case of petitioner no.1 that she was forcibly married to her husband i.e. Shamim Ansari, against her will. Thereafter, in her matrimonial home she was subjected to cruelty by her in-laws including her husband and, therefore, she had gone to her parental house, however, her parents insisted her to join back her matrimonial home because of which she was compelled to run away from Bihar and take shelter with petitioner no.2, a close friend.

4. The complaint which has been filed by her parents with regard to abduction with Bihar Police is false and in pursuance of which police officials of P.S. Riga, District Sitamarhi are insisting that she would give her statement in person before the concerned police officials. It is further submitted that petitioner no. 1 fears for her safety as she may become a victim of ‘honour killing’ if she is not given any security.

5. Learned counsel appearing on behalf of respondent no.4, on instructions, submits that statement of the petitioner no.1 can be recorded



under the proviso to Section 183 which reads as under:-

“Section 183. Recording of confessions and statements.

(1) Any Magistrate of the District in which the information about commission of any offence has been registered, may, whether or not he has jurisdiction in the case, record any confession or statement made to him in the course of an investigation under this Chapter or under any other law for the time being in force, or at any time afterwards but before the commencement of the inquiry or trial:

Provided that any confession or statement made under this sub-section may also be recorded by audio video electronic means in the presence of the advocate of the person accused of an offence: Provided further that no confession shall be recorded by a police officer on whom any power of a Magistrate has been conferred under any law for the time being in force.

(emphasis supplied)

6. In view of the above, the present petition is disposed of with the direction that the concerned Investigating Officer shall contact petitioner no.1 and record her statement in terms of the aforesaid provisions of law.

7. No further directions are called for.

8. The petition is disposed of.

AMIT SHARMA, J

MARCH 7, 2025/nk/pr

Click here to check corrigendum, if any