



\$~12

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

+ **W.P.(CRL) 637/2025**

MR RAJESH MANN

.....Petitioner

Through: Mr. Vikas Walia & Mr. Yash Sharma
Mr. Saurabh Tyagi, Adv.
(M:8285423389) with Petitioner in
person.

versus

STATE OF N.C. T. OF DELHI & ORS.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) with Mr. Abhinav Kumar Arya
and Ms. Priyam Agarwal, Adv. with
Insp. Vivek and ASI Parmanand PS
Alipur.
Ms. Seema, the lady is present.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

ORDER

%

11.03.2025

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner-Mr. Rajesh Mann under Article 226 of the Constitution of India read with Section 528 of Bharatiya Nagrik Suraksha Sanhita seeking issuance of a writ in the nature of *habeas corpus* for the production of his wife Ms. Seema Devi. She is stated to have been missing since 6th January, 2025
3. It is the case of the Petitioner that he got married to Ms. Seema Devi on 16th December, 2002 and it was the second marriage of the Petitioner as his first wife had passed away leaving behind three children. The present wife Ms. Seema who is missing is stated to have raised all the three children, one



of whom is also a lawyer. Upon Ms. Seema's disappearance, the Petitioner lodged a complaint registered as **DD No. 61-A** at PS Alipur. The Police were not able to trace her whereabouts, thus this petition.

4. On the first hearing *i.e.*, 24th February, 2025, Mr. Sanjay Lao, Id. Standing Counsel (Criminal) on advance notice had submitted that the prime suspect, one Mr. Rajesh Jhakar, was already questioned. Further he also submitted that, immediately thereafter, two videos of the missing person were received in which she states that she has gone on her own. The Court on the said hearing had perused the video and observed as under:

“7. Though the Court has perused one of the videos, however, it is not clear as to whether the statement she is making in the video is of her own free will or under any duress or coercion. It seems extremely unusual that the missing lady, who was married to the Petitioner for the last 23 years, has not only left behind the Petitioner but also the three children she has nurtured and raised since then.

8. The Court would like to interact with the lady Ms. Seema Devi in person to confirm as to whether she left on her own volition or not. In this view of the matter, the Police is directed to produce her along with the prime suspect Mr. Rajesh Jhakar on the next date of hearing.

9. The Superintendent of Police, State of Gujarat shall extend all cooperation to the Delhi Police for enabling production of the missing lady Ms. Seema Devi.”

5. On the last date *i.e.*, 10th March, 2025, Ms. Seema Devi was traced and produced before the Court. The Court had an in-chamber interaction with the Petitioner, Ms. Seema, both her aged parents, her daughter and the son. Thereafter this Court had directed (i) Ms. Seema to be stationed at Nari



Niketan and (ii) that counselling services be provided to her from MHU, MANAS. The relevant extracts from the said order read:

“6. Today, the Court has interacted with Ms. Seema, her husband i.e., the Petitioner and two children namely Ms. Priyanka and Mr. Pankaj (who is a lawyer) in the Chamber. The daughter-Ms. Priyanka is married and is working as a government school teacher. The Court has also interacted with the parents of Ms. Seema.

7. It is submitted by Ms. Seema that she left her matrimonial home of her own will as she was being subjected to physical and verbal abuse by her husband. However, the entire family including Ms. Seema’s own parents are not supporting her cause and are under the impression that Mr. Rajesh Jakhar who is a relative of Ms. Seema has put pressure on her for leaving her matrimonial home.

8. Upon being queried, Ms. Seema submits that she is living with Mr. Rajesh Jakhar in Nadiad, Gujarat. It appears that she had also filed a writ petition before the Punjab and Haryana High Court being CR W.P. 2133/2025 wherein the Court has passed an order dated 4th March, 2025 for granting police protection after assessing the threat perception. The said order reads as under:

“This petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondents No.1 to 3 to provide adequate security to the petitioner and to save her life, liberty and property which is under grave threat at the hands of respondents No.4 to 11. At the very outset, learned counsel for the petitioner submits that petitioner would be satisfied if a direction is issued to respondent No.3 to look into the matter. Accordingly, the petition is disposed of with a direction to respondent No.3 -Superintendent of Police,



Jind to look into the matter and to assess the threat perception and to provide adequate protection, if required.

Pending miscellaneous application(s), if any, also stands disposed of.”

9. It is submitted by the Petitioner-husband that there is immovable property as also two businesses including a R.O. business which are standing in the name of Ms. Seema.

10. Some documents are also relied upon by the Petitioner and the family to the effect that a complaint has been given to the police, Jind, Haryana on 6th March, 2025 after the order was passed by this Court on 24th February, 2025. In addition, an affidavit which has been filed in Gujarat has also been handed over wherein Ms. Seema claims that she is in a live-in relationship with Mr. Rajesh Jhakar.

11. Mr. Rajesh Jhakar, himself is not present today. Accordingly, Ms. Seema connected the concerned Investigating Officer (“IO”) with Mr. Jhakar through a phone call. Mr. Jhakar has been directed to appear tomorrow i.e., 11th March, 2025, along with his counsel.

12. In view of the above, let Mr. Jhakar be produced before the Court, if necessary, under police protection. The concerned Superintendent of Police, State of Gujarat, State of Haryana and any other State concerned shall extend all cooperation to trace and produce Mr. Rajesh Jakhar tomorrow i.e., 11th March, 2025”

6. She was stationed accordingly and today, a detailed report has been submitted by the concerned Counsellor upon the interaction. The Counsellor’s report is taken on record.

7. Further, today, Mr. Harshvardhan, Id. Counsel for Ms. Seema has entered appearance and submits that Ms. Seema along with Respondent No.2



Mr. Rajesh Jakhar had approached him for filing a writ petition before the Punjab & Haryana High Court praying for grant of protection from the Petitioner and his family herein. Accordingly, he had engaged the local Counsel and had got the said writ petition being **W.P. No.2133/2025** filed.

8. A status report dated 10th March 2025, detailing subsequent developments, has been handed over today. As per the report, the Punjab and Haryana High Court, vide order dated 4th March 2025, disposed of W.P. No. 2133/2025 while directing the Superintendent of Police ("S.P."), Jind, to assess the threat perception and provide necessary protection, if required.

9. The report further states that Ms. Seema subsequently approached the office of the S.P., Jind, Haryana, and submitted (i) a representation seeking protection and (ii) a complaint requesting the registration of an FIR against the Petitioner. It also states that in compliance with the said order, Ms. Seema was shifted to a safe house in Jind, Haryana. It was in this backdrop that Ms. Seema was produced before this Court on the last date and thereafter stationed at Nari Niketan.

10. Today, the Court has again met the lady as also the Petitioner/husband and son of Ms. Seema in the chamber. She is clear that she does not wish to continue the relationship with her husband. In this regard, she submits that she has filed a petition seeking divorce in the Family Court, Nirwana, District Jind, Haryana.

11. Ms. Seema is also clear that she does not want to have any relationship with the husband or his family including the three children and that she wishes to continue the live-in relationship with the Respondent No.2 Mr. Rajesh Jakhar. She has also categorically stated that she does not wish to claim any rights in moveable or immoveable property or any rights in the businesses,



which may be in her name as long as the liabilities are borne by the Petitioner – husband. She wishes to pursue the divorce petition, which she has filed against the husband.

12. Upon being queried, she also expressed that she does not wish to press any other allegations against the husband or his family so long as they stop levelling threats against her. Her statement is taken on record. The Petitioner has undertaken to this Court that he would not contact Seema or level any threat to her or anyone connected with her. Petitioner/Husband's statement is taken on record as well.

13. The undertaking on behalf of the parties including the statement of Ms. Seema that she does not wish to press any criminal complaint that she has filed against her husband is also taken on record. Further, considering the facts and circumstances, the Court observes as under:

- (i) Since Ms. Seema is clear that she does not wish to accompany the husband or live with her family, she is allowed to proceed as per her own wishes.
- (ii) She is free to pursue the divorce petition before the concerned Court in accordance with law.
- (iii) Let Ms. Seema be released from Nari Niketan. She may be sent to the safehouse from where she was picked up, for production before the concerned Court.
- (iv) Let today's order be furnished by the Petitioner and his family to the Haryana Police to enable them to proceed as per the statements recorded above.

14. Since she does not wish to accompany her husband - the Petitioner, no further orders are called for in this petition.



15. The petition is disposed of in the above terms. Pending applications, if any, are also disposed of.

PRATHIBA M. SINGH, J.

RAJNEESH KUMAR GUPTA, J.

MARCH 11, 2025/dk/ar