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

+ **W.P.(CRL) 1936/2025**

ASHUTOSH MISHRA

.....Petitioner

Through: Ms. Sukriti Pratap, Ms. Vandana
Yadav and Ms. Aakriti, Advocates
with Petitioner in person

versus

STATE (NCT OF DELHI) AND ORS.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel for
the State with Ms. Priyam Agarwal,
Mr. Abhinav Kr. Arya, Mr. Aryan
Sachdeva, Advocates
SI Suresh Kumar, PS Kapashera

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN

SHANKAR

ORDER

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11.07.2025

1. The present writ petition which has been filed by the Petitioner under Article 226 of the Constitution of India is in the nature of *habeas corpus* seeking direction to produce Ms. Simmi, i.e., the wife the Petitioner herein.
2. The contention in the present petition is that the Petitioner has married one Ms. Simmi D/o Respondent No.2 herein. Though it is stated that the Petitioner has married Ms. Simmi in Arya Samaj Mandir but the marriage is obviously not a valid marriage since Ms. Simmi is a Muslim. Be that as it may, since the allegation made in the present petition is one of illegal detention of Ms. Simmi, this Court issued notice in the matter.



3. Ms. Simmi has been traced and has been produced in Court today. We have interacted with Ms. Simmi, Respondent No.2-Jahur Ahmed and the Petitioner herein-Ashutosh Mishra.
4. It transpires that Ms. Simmi is married to one Taukil Ahmed. She is not yet divorced from Mr. Taukil Ahmed. A child was born out of the said marriage. However, Ms. Simmi emphatically states that she does not want to stay with Mr. Taukil Ahmed. She is a major and in view of the fact that she is married, she cannot be confined against her wishes. Ms. Simmi is therefore free to go wherever she wants to and take such action in accordance with law.
5. Since Ms. Simmi has been produced in Court, the purpose of *habeas corpus* has been met and the petition stands disposed of along with pending application(s), if any.

SUBRAMONIUM PRASAD, J.

HARISH VAIDYANATHAN SHANKAR, J.

JULY 11, 2025

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