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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(CRL) 123/2022 and CRL. M.A.1211/2022 (Exemption)**

**NEMI CHAND GOD** ..... Petitioner

Through: Mr. Raghunatha Sethupathy B. Mr.  
A. Rajarajan, Mr. Karuppiah  
Meyyappan, Ms. Pariksha and  
Ms.Priya R., Advocates.

versus

**STATE (NCT OF DELHI) AND ORS.** ..... Respondents

Through: Mr. Sanjay Lao, Standing Counsel  
(Criminal), GNCTD for the State  
with Inspector Vijay Baliyan, P.S.:  
Anand Vihar.  
Inspector Nisha Sharma, P.S.:  
Janakpuri.

**CORAM:**  
**HON'BLE MR. JUSTICE SIDDHARTH MRIDUL**  
**HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI**

**ORDER**  
**20.01.2022**

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The present matter has been taken up for hearing by way of Video Conferencing on account of COVID-19 pandemic.

The petitioner, who is stated to have married Jyoti Meena, has filed the present writ petition under Article 226 of the Constitution of India, praying for a writ in the nature of *habeas corpus*, directing the production

and release of his wife, who is alleged to be illegally confined by her father, respondent No.2. It may be recorded in the passing that respondent No.2, Ms. Meena's father, is stated to be a police officer with the Delhi Police.

Mr. Sanjay Lao, learned Standing Counsel (Criminal) has appeared on advance copy on behalf of official respondent Nos.1, 3 and 4; and has arranged for the production of Ms. Meena *via* video-conferencing before us.

In the forenoon session, Ms. Meena appeared *via* video-conferencing from her paternal residence and expressed the desire to make submissions before us *but* from the safety of a police station. Accordingly, we directed the Delhi Police to escort Ms. Meena to P.S.: Janakpuri; and she has now expressed herself clearly before us from the office of Inspector Nisha Sharma at P.S.: Janakpuri.

Without delving into the details explained to us in the course of the video-conference hearing, suffice it to say that it is the admitted position that Ms. Meena is 'major' with her date of birth being 26.08.1997. Ms. Meena has further stated to us in very clear terms that she has married the petitioner, who is also 'major' with his date of birth as 05.06.1997, of her own free will and volition, although against the wishes of her parents.

A marriage certificate dated 22.11.2021 issued by the Arya Samaj Mandir Vivah Bandhan Trust (Regd.), Gokhale Market, Tis Hazari, Delhi, in evidence of their marriage, has also been filed along with the petition.

Ms. Meena has unequivocally expressed her desire to join the company of her husband, the petitioner; and has further urged that she is

fearful for the safety and security of the petitioner as well as herself, for reasons explained to us in some detail during the course of the hearing.

It is important for us to record at this point that though Ms. Meena had made a statement before the learned Metropolitan Magistrate under section 164 of the Code of Criminal Procedure, 1973 in terms which were contrary to what she has submitted before us today, Ms. Meena has categorically stated before us that the said section 164 Cr.P.C. statement was made by her under serious duress, since she was threatened by her family that a Khap Panchayat in Rajasthan was looking into her marriage with the petitioner and had decided to 'eliminate' both her as well as the petitioner.

In view of what Ms. Meena has stated before us in court today, we direct the S.H.O, P.S.: Anand Vihar, where an FIR is stated to be registered against the petitioner, to forthwith get Ms. Meena's statement recorded afresh by a competent Magistrate u/s 164 Cr.P.C.

Mr. Raghunatha Sethupathy, learned counsel appearing on behalf of the petitioner submits that though the petitioner is otherwise a resident of District Dholpur, Rajasthan, he is presently employed in Chennai. Upon inquiry, Mr. Sethupathy submits that the petitioner will be in a position to make arrangements for Ms. Meena to travel to Chennai tomorrow.

On a conspectus of the facts and circumstances, in the interests of justice, and in compliance with the mandate of the Hon'ble Supreme Court in *Ashok Kumar Todi vs. Kishwar Jahan & Ors.* reported as **AIR 2011 SC 1254**, we deem it appropriate to dispose of the present writ petition with the following directions :

- (a) The Delhi Police are directed to lodge Ms. Meena at Nirmal Chhaya Home, Tihar Jail, Hari Nagar, Delhi under the care and custody of Inspector Nisha Sharma of P.S.: Janakpuri, New Delhi. It is made clear that Inspector Nisha Sharma shall be personally responsible to escort Ms. Meena to Nirmal Chhaya and to lodge her there. The Superintendent of Nirmal Chhaya Home is directed not to permit any person, other than Inspector Nisha Sharma or the petitioner to meet Ms. Meena without permission of this court.
- (b) In the meantime, the petitioner is directed to arrange for an air-ticket for Ms. Meena to travel from Delhi to Chennai tomorrow; and Inspector Nisha Sharma is directed to ensure the safe passage of Ms. Meena from Nirmal Chhaya Home to the IGI Airport, Delhi and to ensure that she gets on to the flight to Chennai. Learned counsel appearing on behalf of the petitioner is directed to co-ordinate the aforesaid programme.
- (c) In accordance with the wishes expressed by her before us, Ms. Meena is at liberty to join the company of the petitioner.

With the above directions, the writ petition is disposed of.

Pending applications, if any, also stand disposed of.

A copy of this order be made available to learned counsel appearing on behalf of the parties.

A copy be also communicated by e-mail to Inspector Nisha Sharma of P.S.: Janakpuri, and through her, to the Superintendent, Nirmal Chhaya Home, for compliance.

A copy of the order be also sent to the SHO, P.S.: Anand Vihar, by e-mail, for information and compliance.

The order be also uploaded on the website of this court.

The above compliances be made *forthwith*.

**SIDDHARTH MRIDUL, J.**

**ANUP JAIRAM BHAMBHANI, J.**

**JANUARY 20, 2022/‘AA’**

[Click here to check corrigendum, if any](#)