

via Video-conferencing

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

+ W.P. (CRL.) 2216/2020

AVINASH SARVAN

..... Petitioner

Through: Mr. Jitesh Kumar Singh, Advocate.

Versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through: Ms. Kamna Vohra, ASC (Criminal)
for the State with S.I. Mukesh Kumar
P.S.: Wazirabad.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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01.01.2021

Pursuant to the proceedings conducted in this matter yesterday, the order of which is however not yet on the electronic file, Ms. Kamna Vohra, learned ASC (Criminal) has forwarded by e-mail status report dated 'nil' on behalf of the State.

2. The status report recites that pursuant to FIR No. 673/2020 dated 20.12.2020 registered under section 363 IPC at P.S.: Wazirabad, District North at the instance of the missing girl's father, the girl was traced on 25.12.2020; whereafter her statement dated 26.12.2020 was recorded under section 164 Cr.P.C. It is further recorded in the status

report that on 28.12.2020 the girl was produced before the CWC-III, Kingsway Camp, Delhi; and after counselling, the CWC directed that her age related documents be verified and that she be kept in the Rose Udan Trust Home, Kamla Nagar, Delhi.

3. The petitioner, who claims to have got married to the girl, had filed along with the petition copies of proofs of identity and dates of birth of both parties, by way of photocopies of their respective birth certificates, Aadhar Cards as also a copy of Marriage Certificate dated 18.12.2020 issued by the Arya Samaj Marriage Mandal Trust, Khirki Village Malviya Nagar, New Delhi and certain photographs of their marriage.
4. The status report records that the birth certificate of the girl has been verified and has been found to be authentic; and her date of birth is 17.06.2002; which would make her 'major' as on 18.12.2020, i.e. the date of marriage as per the Arya Samaj Marriage Mandal Trust certificate.
5. The status report further says that on the other hand, at the time of her admission in school, the girl's father had filed an affidavit disclosing her date of birth as 21.02.2004, which however is contrary to the date of birth as recorded in the Municipal Corporation records, which is 17.06.2002. Moreover, Ms. Vohra points-out, that the birth certificate issued by the Sub-Registrar, Births & Deaths of the North Delhi Municipal Corporation discloses that date of *registration* of the birth as 24.06.2002, which lends credence to the fact that she was born in 2002 and not in 2004.

6. In the circumstances, what is evident from the record is that as on 18.12.2020 the girl was 'major'. Although the marriage certificate issued by the Arya Samaj Marriage Mandal Trust has not yet been verified, this court is of the view that since the girl is major, there is no warrant for keeping her in the Rose Udan Trust Home any longer.
7. The girl, Monika, has also joined the video-conference hearing today and the court has interacted with her. While confirming that her date of birth as 17.06.2002, Monika has clearly said that she married the petitioner of her own free will and volition and that she wants to live with the petitioner.
8. In the circumstances, the present petition is disposed of with a direction that Monika d/o Suresh be released forthwith from the Rose Udan Trust Home; and be permitted to leave, if she is so desirous, with the petitioner.
9. The petition is disposed of in the above terms.
10. Other pending applications, if any, also stand disposed of.

ANUP JAIRAM BHAMBHANI
(VACATION JUDGE)

MANOJ KUMAR OHRI
(VACATION JUDGE)

JANUARY 01, 2021

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