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

\+ W.P.(CRL) 404/2021

MS. SHIVANI ..... Petitioner

Through: Mr. M. Haseebuddin, Mohd. Asif, Advs.

versus

THE STATE (GOVT. OF NCT OF DELHI) & ORS..... Respondents

Through: Ms. Nandita Rao, ASC (Crl.) with SI Sanjay Kumar, PS Narela, SI Pankaj, PS Saket for R-1.
Mr. SD Windlesh, Adv.for R-2&3.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

O R D E R

% 02.03.2021

(Through physical hearing)

The petitioner is present. The respondent no.2, the father of the petitioner with his wife, i.e. the mother of the petitioner is also present.

At the outset, a submission has been made on behalf of the petitioner by learned counsel for the petitioner that the petitioner should be taken in the custody of the State in as much as there is apprehension of danger to her life.

Learned counsel for the respondent nos.2 and 3 seeks that the petitioner's parents be allowed to speak to her. They are allowed to do so. The petitioner states that she does not want to go with them.

In the interest of justice, the petitioner who is now present is directed to be lodged at the Nari Niketan today itself.

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It has now been stated however by the petitioner that she wants to stay with her parents.

A status report dated 01.03.2021 under signatures of the SHO, PS Saket has been submitted indicating to the effect that the ossification test of the petitioner was conducted at the Safdarjung Hospital giving an opinion that the age of the petitioner is between 16-18 years. As per the said status report, qua the verification of the Aadhar Card provided by the petitioner and that provided by the parents of the petitioner, the same have been submitted to the UIDAI office and the reply thereto is awaited.

In as much as the petitioner states that she wants to go back to her parents submitting to the effect that her parents have stated that they would allow her to study till the time she wants to study, which is also so affirmed by the parents of the petitioner, in view thereof, in as much as the petitioner submits in reply to a repeated specific Court queries that she has no apprehension to her life as well as to her safety from the respondent no.2, her father and her mother nor does she apprehend any danger from the respondent no.3, her uncle (her chacha), i.e. the brother of the respondent no.2, and that she does not want to go to Nari Niketan and wants to return to her parents, the petition calls for no further action and the petitioner is now allowed to be taken by her parents i.e. the respondent no.2 and his wife Laxmi with them.

As regards the proceedings in relation to the FIR bearing No.502/2020, PS Narela, under Section 363 of the Indian Penal Code, 1860 the necessary course of law be followed.

Nothing stated hereinabove shall however amount to any expression

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on the merits or demerits of the FIR No.502/2020, PS Narela, under Section 363 of the Indian Penal Code, 1860.

The petition W.P.(CRL) 404/2021 is disposed of accordingly.

ANU MALHOTRA, J

MARCH 2, 2021/vm

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