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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 15th November, 2018

W.P.(CRL.) 3451/2018 & Crl. MA No. 36002/2018 (under Article 226 of the Constitution of India read with Section 482 Code of Criminal Procedure, 1973 for interim directions)

MANN @ MANJUSHA YADAV Petitioner

versus

STATE & ORS. Respondents

Advocates who appeared in this case:

For the Petitioner : Ms. Amritananda Chakravorty, Mr. Mihir Samson and Ms. Shreya Munoth, Advocates with petitioner in person.

For the Respondents : Mr. Rahul Mehra, Standing Counsel (Crl.) along with Mr. Chaitanya Gosain, Advocate.
Inspector Davendra Singh, P.S. Jagat Puri.
Mr. Mitthan Lal, Advocate for respondent No. 5.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

J U D G M E N T

SIDDHARTH MRIDUL, J (ORAL)

1. The present petition has been instituted by the petitioner, namely, Mann @ Manjusha Yadav, aged approximately 36 years and statedly a friend of Ms. Princy Verma, praying as follows:-

“a. For an appropriate writ, order or direction issuing a writ of habeas corpus directing the Respondent Nos. 1 to 3 to

forthwith produce the detenu before this Hon'ble Court from illegal confinement and a further direction to the Respondent Nos. 4 to 5 to render all assistance to the Respondent Nos. 1 to 3, and after ascertaining her views, set her at liberty;

b. For an appropriate writ, order or direction to the Respondent Nos. 1 to 3 to provide to the petitioner and the detenu appropriate protection, including from the Respondent Nos. 4 to 5;

c. pending final hearing and disposal, for an appropriate order or direction to the Respondent Nos. 4 to 5 not to take the detenu out of the jurisdiction of this Hon'ble Court.

d. for costs of this petition;

e. Pass such other and further orders as this Hon'ble Court may deem fit in the facts and circumstances of the case.”

2. A brief recital of the backdrop in which the present proceeding has arisen is necessary in order to appreciate the circumstances that have led to its institution, essentially seeking a writ or direction to the Delhi Police as well as the private respondents in the nature of a writ of habeas corpus.

3. Ms. Princy Verma is the married daughter of Sh. Surajpal Chandel, respondent No. 4 (hereinafter referred to as 'the father') and the wife of Mr. Ankit Verma, respondent No. 5 herein (hereinafter referred to as 'the husband').

4. It is an admitted position that, Ms. Princy Verma married Mr. Ankit Verma of her own free will in the year 2016. It is further an admitted position that, Ms. Princy Verma has left her matrimonial home of her own free will and volition, based on certain differences which are stated to have arisen between the married couple.

5. Ms. Princy Verma and the petitioner/friend are stated to be co-workers and close friends. Owing to pressure from her husband, Ms. Princy Verma is stated to have quit her job in September, 2018. Subsequent thereto, on 15th October, 2018, Ms. Princy Verma, left her matrimonial home to reside with the petitioner/friend. On 16th October, 2018, the husband of Ms. Princy Verma lodged a missing person's report in relation to Ms. Princy Verma at Police Station Jagatpuri. Subsequent thereto, on 6th November, 2018, Ms. Princy Verma, accompanied by her father, came to the said police station to record her statement.

6. In a nutshell, it was stated on behalf of Ms. Princy Verma that, she had left her matrimonial home of her own free will and had begun to reside with the petitioner/friend at the latter's accommodation at House No. 87, Fourth Floor, Gali No. 5, DDA Flats, Madangir, New Delhi-110062. It was further stated that, on the advice and insistence of her mother and father, she had

accompanied the latter to the Police Station Jagatpuri and that, she was inclined to reside with her parents henceforth.

7. Predicated on the above statement, the Police Station Jagatpuri lodged a DASTYABI (Found Person Report) on 6th November, 2018.

8. The petitioner is stated to have been constrained to file the present proceedings out of her deep concern for the safety and security of her friend, Ms. Princy Verma.

9. Upon notice being issued, the Delhi Police has produced Ms. Princy Verma before us and filed a status report dated 15th November, 2018, authored by Inspector Davendra Singh SHO/Police Station Jagatpuri. The same is taken on record. The father and husband of Ms. Princy Verma have also appeared before us.

10. Learned counsel appearing on behalf of the husband states that, they have grave apprehensions about the petitioner and the influence that the latter has on Ms. Princy Verma. However, there is no denial of the fact that, Ms. Princy Verma left her matrimonial home of her own free will.

11. We have interacted with Ms. Princy Verma and her father and mother in Chambers. The parents of Ms. Princy Verma are concerned not only about

the well being of the latter, but the ramifications of the relationship that her daughter may have with the petitioner/friend, which in their view, may be a cause for embarrassment and humiliation to them.

12. Ms. Princy Verma, on the other hand, as a mature working woman has clearly and unequivocally expressed her desire to reside with the petitioner and is completely averse to the fetters sought to be imposed on her freedom of choice, in this regard. It must, however, be pointed out that, at no stage has, Ms. Princy Verma expressed any apprehension of harm or injury at the hands of her parents, save and except, to state that, she has been subjected to intense emotional pressure by them to conform.

13. In view of the foregoing paragraphs, it is evident to us that, whilst being concerned about the well being of Ms. Princy Verma, her close relatives are also apprehensive about the consequences of her relationship with the petitioner/friend. In this behalf, it would be relevant to observe that, there is, however, no assertion on behalf of either the parents or the husband of Ms. Princy Verma that, the course of action adopted by the latter is in any manner contrary to law.

14. As recorded hereinabove, Ms. Princy Verma has categorically expressed an independent choice to reside with the petitioner/friend.

15. Needless to state that, there can be no fetters imposed on the right of an adult woman to reside with whosoever she desires, unless the same is contrary to law. In the present case, we are of the considered view that, the expression of Ms. Princy Verma's choice to reside with her friend is strictly within the ambit of inalienable human and fundamental rights that she is entitled to as part and parcel of the basic freedoms enshrined, guaranteed and protected by the Constitution of India.

16. The writ of habeas corpus is answered accordingly. Ms. Princy Verma is at liberty to reside with the petitioner, if she so desires.

17. With the above directions, the writ petition is disposed of. Pending application also stands disposed of.

SIDDHARTH MRIDUL
(JUDGE)

SANGITA DHINGRA SEHGAL
(JUDGE)

NOVEMBER 15, 2018
RS