

(2021) 03 DEL CK 0174

In the Delhi High Court

Case No : Civil Writ Petition No. 573 Of 2021

Mohd. Umair

APPELLANT

Vs

State (N.C.T.) Delhi & Ors

RESPONDENT

Date of Decision : 16-03-2021

Acts Referred:

Constitution Of India, 1950 — Article 226
Code of Criminal Procedure, 1973 — Section 482

Citation : (2021) 03 DEL CK 0174

Hon'ble Judges : Siddharth Mridul, J;Anup Jairam Bhambhani , J

Bench : Division Bench

Advocate : Mohd. Sulaman Khan, Chaitanya Gosain, Amanpreet Singh, Anand Thunbayil, Rahul Mehra, Sanjay Sharma, Karan Sachdeva, Richa Sharma

Final Decision : Disposed Of

Judgement

Siddharth Mridul, J

CRL.M.A.4151/2021 (Exemption)

Exemption granted, subject to just exceptions.

The application is disposed of accordingly.

W.P.(CRL) 573/2021 & CRL.M.A.4150/2021 (Interim Directions)

1. The present habeas corpus petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 has been instituted on behalf of Mohd. Umair, the petitioner herein, essentially seeking a direction to the official respondents to produce his legally wedded wife Ms. Tooba Kamal before this Court.

2. Ms. Tooba Kamal is present in Court today along with her parents, namely Mr. Kamal Nadeem (father), who is respondent No.5 herein, and Ms. Noorafsa (mother). We have interacted with all concerned parties.

3. Ms. Tooba Kamal has expressed the desire to reside at her matrimonial home at 2629 Gali Badliyaan, Choori Walan, Jama Masjid, Delhi with her husband Mohd. Umair, whom she is stated to have married on 30.09.2019.
4. Mr. Kamal Nadeem and his wife Noorafsa state that they have no objection if their daughter, who attained the age of majority on 21.07.2018, resides with her legally wedded husband Mohd. Umair.
5. In view of the foregoing, the present habeas corpus petition is allowed. Ms. Tooba Kamal is at liberty to reside with her husband Mohd. Umair, as expressed by her.
6. Inspector Sanjeev Verma, SHO P.S.: Chandni Mahal, who is present in Court today, is directed to ensure the safe passage of the young couple to their matrimonial home forthwith.
7. No further directions are called for in the present matter.
8. With the above directions the writ petition is disposed of. The pending application also stands disposed of.