

Deepshikha Bhadauria Vs State

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Court : Delhi

Decided On : Aug-18-2010

Judge : Mr. Sanjiv Khanna, J.

Appeal No. : W.P.(CRL) 256/2010

Appellant : Deepshikha Bhadauria

Respondent : State

Advocate for Def. : Roshan Kumar, Ms. Mira Bhatia, Advs.

Advocate for Pet/Ap. : Rajat Wadhwa, Adv.

Judgement :

ORDER

1. On 10th June, 2009, Ms. Munni Devi had lodged a complaint with the police station Bhajan Pura that her daughter-in-law Ms. Deepshikha was missing. A missing person report was registered and inquiries were taken up. During investigation, Ms. Munni Devi had made a statement that Ms. Deepshikha had been abducted by Mr. Deepak Kumar, Mr. Praveen Kumar and Mr. C.P. Singh. Thereafter, FIR No. 218/2009 under Section 365/34 Indian Penal Code was registered in the police station Bhajan Pura and investigation was made.

2. On 11th June, 2009, a complaint purportedly signed by Ms. Deep shikah was received in police station Bhajan Pura. In this complaint it was stated that she was

living with her husband Mr. Praveen Kumar and apprehended threat to her life from her parents and others. An application for recording of statement of Ms. Deepshikha under Section 164 Code of Criminal Procedure, 1973 (Cr.P.C. for short) was received on 14th June, 2009, in the police station Bhajan Pura from the duty Metropolitan Magistrate, Karkardooma Courts, Delhi with a direction to report on 15th June, 2009. After receiving copy of the application, the Investigating Officer visited the address mentioned in the application. The Investigating Officer did not find Ms. Deepshikha or Mr. Praveen Kumar, Mr. Deepak Kumar and Mr. C.P. Singh at the address. One lady, wife of Mr. C.P. Singh, was found but she was not a position to give any information. The Investigating Officer left a message that it was necessary to record statement of Ms. Deepshikha under Section 162 Cr.P.C..

3. On 26th June, 2009, statement of Ms. Deepshikha was recorded under Section 164 Cr.P.C. by Mr. Rakesh Kumar, Metropolitan Magistrate, Karkardooma Courts, Delhi. In the said statement Ms. Deepshikha had stated that she was in love with Mr. Praveen Kumar and they had got married on 29th December, 2008 in the Arya Samaj temple at Yamuna Vihar, Delhi. She had further stated that she had gone to her parental house and thereafter came to know that she was being married to Mr. Sunil Shishodia. She protested and informed her parents about her earlier marriage, but she was being forced into a marriage with Mr. Sunil Shishodia. In her statement before the Magistrate under Section 164 Cr.P.C., she had stated that she wanted to live with Mr. Praveen Kumar, her husband. After her statement, she was allowed to go with Mr. Praveen Kumar to her matrimonial house.

4. After more than six months on 9th July, 2009, a missing person report of Ms. Deepshikha was lodged by Mr. Praveen Kumar in police station Farsh Bazar, Delhi. On inquiry, it was found that Ms. Deepshikha was residing with her parents.

5. Ms. Deepshikah subsequently filed a Writ Petition (Criminal) No.932/2009 for providing protection and appropriate security. She had made allegations against Mr. Praveen Kumar and his relatives. Mr. Praveen Kumar entered appearance and submitted that he had neither threatened the petitioner or her family members, nor he would do so in future. He had further stated that he was lawfully married to Ms.

Deepshikha and it was an inter-caste marriage and, therefore, Ms. Deepshikha was facing opposition from her family members. The statement made by Mr. Praveen Kumar was taken on record and it was held that he would be bound by the statement. On the basis of the said statement, counsel appearing for Ms. Deepshikha did not press the petition at that stage and the same was dismissed as withdrawn.

6. In the status report, it is mentioned that inquiries were conducted by the Investigating Officer about factum of marriage between Ms. Deepshikha and Mr. Praveen Kumar at Arya Samaj temple in Yamuna Vihar. He has recorded statement of Mr. Jagnath Mishra, who had stated that Ms. Deepshikha and Mr. Praveen Kumar had got married. He had handed over a photocopy of the marriage certificate and other supportive documents in respect of the said marriage. Statements of marriage witnesses, namely, Mr. Kavir Singh and Mr. Nemichand were also recorded by the Investigating Officer. The two witnesses as per the status report had supported the factum of marriage of Ms. Deepshikha with Mr. Praveen Kumar.

7. Mr. Praveen Kumar had filed Writ Petition (Criminal) No.1197/2009 for issue of writ of Habeas Corpus. The said writ petition was disposed of on 16th September, 2009. The Court recorded allegations of Mr. Praveen Kumar that Ms Deepshikha was married to Mr. Sunil Kumar Shishodia under pressure. The order records that the matter was discussed with Ms Deepshikha, her parents and Mr. Praveen Kumar in respect of the marriage between Ms. Deepshikha and Mr. Praveen Kumar and the circumstances under which Ms. Deepshikha had stayed with Mr. Praveen Kumar. It was noticed that Ms. Deepshikha wanted to stay with Sunil Kumar Shishodia and as the writ petition was in the nature of Habeas Corpus, she could not be compelled to go against her wishes and stay with Mr. Praveen Kumar.

8. It is stated in the status report that final report under Section 173 Cr.P.C. has been prepared and a cancellation report will be filed before the Metropolitan Magistrate. It will be open to the petitioner to file objection and contest cancellation report, if so advised. This aspect need not gone into by this Court at this stage.

Learned counsel for the petitioner submits that he has some documents and want to file them with police. Learned counsel for the petitioner states that these documents have been filed with the writ petition from pages 37 to 46. It is open to the petitioner to file these documents with the Investigating Officer. The Investigating Officer will consider and examine the said documents in accordance with law. With the aforesaid observations, the writ petition is disposed of.

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