

भागवत कथा- 19 - नेहा जायसवाल

“जिसका साथी है भगवान, उसे क्या रोके आँधी और तूफ़ान”

कुछ ऐसी ही कहानी है नेहा की, जिसने उसके आध्यात्मिक मार्ग में अवरोध उत्पन्न करने वाले आँधी और तूफ़ानों का डटकर मुकाबला किया।

Bhagawat Story – 19 :

Neha Jaiswal:

“How is it that storms and typhoons can resist the one who has Supreme Father alongside?”

It is again the story of Neha in lines with; challenging the storms and typhoons causing hindrances in her path of religious confidences and spiritual confinements.

नेहा की दो बड़ी बहनें- प्रियंका, श्वेता व माँ उर्मिला देवी अपने पिता राजेंद्र जायसवाल के अत्याचार से तंग आकर आध्यात्मिक विश्वविद्यालय में सन् 2010 में शरण ले चुकी थीं; लेकिन तब नेहा और उसकी छोटी बहन बबिता अपने पिता के साथ ही रह रही थीं। माँ के आध्यात्मिक विश्वविद्यालय में दाखिल होने के बाद पिता राजेंद्र का कहर नेहा और बबिता के ऊपर और ही बढ़ने लगा और पिता इस हैवानियत पर उतर आया कि धन की लालसा में बच्चियों को ही बेचने के लिए तैयार हो गया।

We can remember once again as to how the elder sisters Neha; Priyanka and Sweta along with their mother Urmila Devi have in their intolerable frustrations caused by their father Rajendra Jaiswal taken shelter in the laps of Adhyatmik Vishwa Vidyalaya ("AVV") during the year 2010.

The wounds still are wet in a raw state and not completely dried up. And of course, the showers of the rescue by the Supreme God Father through the instrumental Supreme Court of India are still in memories; a bit out of the Apex Court's order is appended.

“ Criminal Appeal No. 1329/2012

The appellants 2 and 3 (Sweta and Priyanka) have stated in their statement before the Supreme Court that they have been residing in Vidyalaya along with their mother on their own volition and that the allegations, kidnap etc., framed by respondent No.4 (Rajendra Prasad Jaiswal) are not acceptable and illegal.”

And at the relevant times, around 2011-12, Neha and her younger sister Babita continued to live along with their father. In his self-created frustrations after his wife and two daughters joining the "AVV", his barbarousness had taken a turn towards his younger daughters Neha and Babita and his moralities remaining if any, have touched the grounds to the extent that he made himself ready to sell away his daughters Neha and Babita.

नेहा के उक्त घटना के बारे में फोन द्वारा अपनी माँ को बताने पर माँ उर्मिला देवी ने नेहा व बबिता को दिसम्बर, 2011 में अपने नराधम पति के चंगुल से जैसे-तैसे छुड़ा लिया। उसके बाद नेहा, अपनी माँ उर्मिला देवी के साथ आध्यात्मिक विश्वविद्यालय में रहने लगी। अपनी बड़ी बहन- श्वेता व प्रियंका के साथ नेहा शांति एवं राजी-खुशी से आध्यात्मिक उन्नति कर ही रही थी

When the tortures caused by her father exceeded far beyond her tolerability, inevitably Neha had to inform the situation to her mother Urmila Devi whereby her mother had come into saving her two younger daughters from the clutches of her husband. And her younger daughter Neha started staying with her elder sister Sweta and Priyanka and her mother Urmila Devi in the "AVV" in her peaceful progressiveness towards the heights of the spiritual knowledge.

कि अचानक माँ उर्मिला देवी, जिसने खुद ही अपनी बेटियों को पिता राजेन्द्र के नरक से छुड़ाकर आध्यात्मिक विश्वविद्यालय रूपी स्वर्ग की राह दिखाई थी, आध्यात्मिक विश्वविद्यालय को छोड़कर किसी 'त्रिमूर्ति शिव गौरानाथ धाम' नामक अन्य संस्था से जुड़ गई और पिता राजेन्द्र, मामा लालजी, सीमा त्रिपाठी व अन्य विरोधी गुट के मुखियाओं के उकसाने पर उर्मिला देवी सन् 2016 से नेहा व उसकी बड़ी बेटी श्वेता व प्रियंका को ज़ोर-ज़बरदस्ती आध्यात्मिक विश्वविद्यालय से ले जाने का प्रयास करने लगी।

Proving the tendencies of Kaliyug, that all the days do not go alike in peace; the skies of peace started getting covered by the clouds of conspiracies in the shape of Neha's father Rajendra Jaiswal, uncle lalji, one Seema Tripathee, and some other people. Urmila Devi, the mother of Neha, Sweta and Priyanka owing to her laxities

in observing the principles of the greatest family "AVV" came under the stress and shades of the clouds of conspiracies. Yes, undoubtedly, it is the same Urmila Devi who has liberated her daughters from the vicious clutches of her husband Rajendra Jaiswal and shown a righteous way towards the heavenly family "AVV";

She had under the influence of the above referred conspirers left the "AVV" down to an institution, not being a family, named " Trimurti Shiv Gowranath Dham" during the year 2016. And it is not the end of the story with Urmila Devi. The coerced influences of the conspirers made her use all her energies to drag her daughters Sweta, Priyanka and Neha from the shelters of "AVV family" towards the clutches of the conspirers.

नेहा पर अगस्त, 2016 से मात-पिता द्वारा सतत दबाव बनाया जाने लगा व उसे Emotionally Blackmail कर धमकियाँ भी दी जाने लगीं; परन्तु उससे नेहा टस से मस नहीं हुई और नेहा ने दिनांक 30.08.2016 को अपने माता-पिता के खिलाफ S.H.O, Vijayvihar Police Station व DCP, Outer District को लिखित शिकायत पत्र भेजा, जिसमें यह शिकायत की गई कि “उसके माता-पिता उसे ज़ोर-ज़बरदस्ती आध्यात्मिक विश्वविद्यालय से ले जाकर उसकी इच्छा के बगैर उसकी शादी करा सकते हैं व कोई अन्य बर्बरतापूर्ण कार्यवाही कर सकते हैं।” परन्तु पुलिस द्वारा नेहा के उक्त शिकायत पत्रों पर किसी भी प्रकार की कोई भी कार्यवाही नहीं की गई।

Threats, emotional blackmails and pressures were down poured by her parents and others on the tolerances of Neha; not astonishingly; but by her own strength of determinations and confinement to the only one Truth on the earth, Neha reacted by lodging a written complaint on 30-08-2016 against her father and mother with the S.H.O, Vijaya Vihar Police Station, Delhi as well the Dy. Commissioner of Police, Outer District expressing her concern that her mother and father are likely to drag her out from the "AVV family" and arrange her marriage against her will and resort to other barbarous and heinous acts; and she further requested the police to come to her rescue in the event expected. The police remained and maintained simple silence as to her request.

अपनी बेटियों को आध्यात्मिक विश्वविद्यालय से ज़ोर-ज़बरदस्ती वापिस ले जाने के सारे प्रयास विफल होने के बाद आखरीन उर्मिला देवी ने 19 जनवरी, 2017 को विजयविहार पुलिस थाने में अपनी बेटियों को आध्यात्मिक विश्वविद्यालय में बंधक बनाकर रखने एवं उनका यौन शोषण किए जाने की झूठी शिकायत दर्ज की।

As expected to some extent, Urmila Devi has, after facing her failure from getting Neha out of the "AVV family" , has lodged a false and tutored complaint with the Vijaya Vihar Police Station, on 19th January, 2017 stating that her daughter Neha has been detained and sexually assaulted in the "AVV".

विजयविहार पुलिस थाने के कुछ पुलिसकर्मियों के भ्रष्टाचारी व बेकायदे कृत्यों के खिलाफ दिनांक 25.11.2016 को पहले ही आध्यात्मिक विश्वविद्यालय की अनीता बहन व संतोषरूपा द्वारा उच्च पुलिस अधिकारियों को व राष्ट्रीय मानव अधिकार आयोग को शिकायत दर्ज की गई थी। यहाँ तक कि उक्त शिकायत में S.H.O. अभिनेन्द्र जैन के ऊपर भी आरोप लगाए गए थे। जिस कारण पुलिस ने बदले की भावना से उर्मिला देवी द्वारा की गई शिकायत पर आध्यात्मिक विश्वविद्यालय के खिलाफ दिनांक 19.01.2017 को F.I.R नम्बर 88/2017 दर्ज की व इन्स्पेक्टर विपनेश तोमर द्वारा पक्षपाती कार्यवाही शुरू हुई।

A complaint highlighting the roughshod, illegal and unruly attitudes of some police staff of the Vijaya Vihar Police Station has already been filed with the National Human rights Commission as well with the higher-ups of the Police on 25-11-2016 by Anita Bahan and Santoshroopa Bahan . In particular, the complaint has highlighted the unruly behavior of Abhinendra Jain, S.H.O., of the Vijaya Vihar Police Station. In vengeance, an F.I.R., duly tutored, with F.I.R. No. 88/2017, has been registered in respect of the complaint of Urmila Devi, against "AVV" on 19-01-2017. And Inspector Vipnesh Tomar has started investigation in the backdrop of partiality and revenge.

दिनांक 27.02.2017 को इन्स्पेक्टर विपनेश तोमर ने नेहा व उसकी बड़ी बहनें- श्वेता व प्रियंका का बयान दर्ज किया, जिसमें नेहा व उसकी बहनों ने यह कहा कि “वे अपनी स्वेच्छा व राज़ी-खुशी से आध्यात्मिक विश्वविद्यालय में रह रही हैं व उनके साथ किसी भी प्रकार का यौन शोषण नहीं किया जा रहा है तथा उनकी माँ उर्मिला देवी द्वारा विद्यालय पर लगाए गए आरोप सरासर झूठ व मिथ्या हैं।” बयान

के साथ-2 नेहा ने रमानाथ उमाशंकर इण्टर कॉलेज द्वारा जारी किया गया प्रमाण-पत्र इंस्पेक्टर विप्लेश तोमर को सौंपा, जिसमें उसकी उम्र 19 वर्ष अंकित थी।

On 27-02-2017, Inspector Vipnesh Tomar has recorded the statements of Neha, and her sisters Sweta and Priyanka under section 161 Crpc wherein Neha and her sisters have reiterated; They are with their will and pleasure staying in the "AVV" and nothing sort of sexual harassment is being resorted therein and the complaint lodged by their mother Urmila Devi against the "AVV" is absolutely false and motivated. Along with her statement, Neha has produced the certificate issued by the Ramanath Umashankar Inter College before the Inspector Vipnesh Tomar wherein a clear proof making it very much clear that Neha is of 19 years.

परन्तु नेहा की बड़ी बहनों को यह आशंका थी कि उनके माता-पिता उनके गाँव में स्थित मॉडर्न लिटिल फ्लावर चिल्ड्रेन अकादमी नामक स्कूल के प्रिंसिपल से मिलीभगत कर, नेहा का झूठा व फर्जी प्रमाण-पत्र बनवाकर, उसे नाबालिग साबित करते हुए, उसे उसकी इच्छा के विरुद्ध ज़ोर-ज़बरदस्ती आध्यात्मिक विश्वविद्यालय से ले जा सकते हैं।

Still the elder sisters of Neha were doubting that their father and mother might resort to manage and in hands with the Principal of Modern Little Flower Children Academy; a school, create a false birth certificate which could show her to be a minor and take her away from the "AVV family" by force against her will.

जिसके कारण नेहा की बड़ी बहनें- प्रियंका व श्वेता ने दिनांक 14.03.2017 को S.H.O, विजयविहार पुलिस स्टेशन, DCP, रोहिणी व कमिश्नर ऑफ पुलिस, नई दिल्ली को अपनी माँ उर्मिला देवी के खिलाफ शिकायत पत्र दर्ज किए और उस पत्र में इंस्पेक्टर विप्लेश तोमर को निष्पक्ष व न्यायोचित जाँच करने हेतु निर्देश देने की माँग की गई;

In the background of their doubts, the elder sisters of Neha, Priyanka and Sweta have lodged a complaint against their mother Urmila Devi, to the extent of their doubts with the S.H.O., Vijaya Vihar Police Station as well Dy Commissioner of Police of the Rohini along with the Commissioner of Police, New Delhi. In their complaint, they have also made a request to direct the Inspector Vipnesh Tomar to conduct an impartial and legal investigation.

लेकिन दुर्भाग्यवश उसी दिन उर्मिला देवी ने इन्स्पेक्टर विपनेश तोमर से मिलीभगत कर प्राइमरी स्कूल के फर्जी सर्टिफिकेट के आधार पर नेहा को ज़ोर-ज़बरदस्ती आध्यात्मिक विश्वविद्यालय से घसीटकर ले जाने की चेष्टा की। नेहा द्वारा उसका आध्यात्मिक विश्वविद्यालय में कोई यौन शोषण नहीं हुआ है, ऐसा बयान देने के बावजूद इन्स्पेक्टर विपनेश तोमर द्वारा उसे यौन शोषण पीड़िता घोषित कर डॉ. बाबा साहेब अम्बेडकर अस्पताल में मेडिकल जाँच का निवेदन दिया गया व इन्स्पेक्टर विपनेश तोमर द्वारा नेहा की इच्छा के विरुद्ध, उसकी ज़बरदस्ती मेडिकल जाँच करवाई गई।

Unfortunately, on the very day, Urmila Devi in hands with Inspector Vipnesh Tomar has on the basis of the false and created school certificate attempted to drag Neha out of the Adhyatmik Vishwa Vidyalaya by force. Despite the Statements recorded earlier from Neha and their sisters in clear terms, Inspector Vipnesh Tomar has declared her a minor undergoing sexual harassment and got Neha medically tested for virginity test in the Dr. Baba Saheb Ambedkar Hospital, once again making fun of the repeated Lip Sympathy resentments of the National Women's Commission against such virginity tests in the Hospitals.

नेहा की बहनों- श्वेता व प्रियंका द्वारा पुलिस के उक्त व्यवहार का ज़बरदस्त विरोध किया गया व प्रियंका द्वारा PCR Call करके इन्स्पेक्टर विपनेश तोमर की शिकायत की गई; लेकिन कण्ट्रोल रूम से भेजी गई पुलिस निकम्मी साबित हुई। मेडिकल जाँच में कुछ निकलना तो था ही नहीं; लेकिन नारी के संवैधानिक, मौलिक अधिकारों का खून तो इन खाकी वर्दी वालों ने कर ही दिया। दिल्ली में नारी शक्ति व महिला संगठन महिलाओं के अधिकारों के बारे में कितना भी चिल्लाती रहें; लेकिन नेहा-जैसी कई मासुम कन्याओं के साथ दिन दहाड़े ज़ुल्म तो होते ही रहते हैं।

On the spot, the sisters of Neha, Sweta and Priyanka has telephoned to the Control Room about the hazardous havoc caused by the Inspector Vipnesh Tomar. The Police staff sent by the Control Room proved inert and inactive and maintained spectatorship. It was certain that nothing odd would come out of the medical test for virginity; and despite, the constitutional rights were made fun of;

the constitution authored by Dr. Ambedkar was simply put to fire in the very hospital named after him at the National Capital and respects accorded to the women and innocent girls were abruptly murdered by the Khakis who are destined and confined to protect the safety, dignity and respect of the Women. “Virginity tests”

have been recognized internationally as a violation of human rights, particularly the prohibition against “cruel, inhuman or degrading treatment” under article 7 of the International Covenant on Civil and Political Rights (ICCPR) and article 16 of the Convention against Torture, both of which many countries have ratified. All the shouters in Delhi, shouting about the Powers, Unity and rights of the women are to put a pale face in the backdrop of barbarous virginity tests still being conducted in Independent India. Are not these virginity tests amount to a superlative of “heinous” crimes nothing less than an official sexual harassment?

In other words, the virginity tests in general themselves are sexual harassments under the guise of proving sexual harassments, in particular when the woman concerned resists; and we hope the Supreme Court on one fine day, which can be expected at an early date, will take up these kinds of sexual harassments in the name virginity tests suo moto.

इन्स्पेक्टर विप्लेश तोमर ने बर्बरतापूर्वक 14.03.2017 की रात को ही नेहा को बख्तावरपुर स्थित ‘कस्तूरबा गाँधी नेशनल मेमोरियल ट्रस्ट’ नामक प्रोटेक्शन होम / चिल्ड्रेन होम में ज़ोर-ज़बरदस्ती धकेल दिया। दूसरे दिन 15.03.2017 को नेहा को अवंतिका, रोहिणी स्थित Child Welfare Committee के सामने पेश किया गया। नेहा की बड़ी बहनें- श्वेता व प्रियंका भी वहाँ आ पहुँचीं व उन्होंने नेहा को उनके साथ आध्यात्मिक विश्वविद्यालय भेजने के लिए आवेदन प्रस्तुत किया। नेहा ने भी अपनी बड़ी बहनों के साथ आध्यात्मिक विश्वविद्यालय जाने की अपनी इच्छा बताई; किन्तु Child Welfare Committee के अध्यक्ष व सदस्यों ने नेहा की इच्छा के विरुद्ध उसे Protection Home भेजने के आदेश जारी किए।

Not satisfied with whatever flagitious acts resorted to against the innocent young girl, in the background of something cloudy, Inspector Vipnesh Tomar on the very night of 14th March, 2017, has dumped down the innocent girl Neha in the protection home named Kasturba Gandhi Memorial Trust situated at Bhaktavarpur, again in defamation of the name of Mahatma Gandhi. Gandhi means liberation, not illegal confinement and detention.

It is well settled law that even minor can't be detained in Children Home / Protection Home against her wishes.

लेकिन विडंबना तो यह थी कि Child Welfare Committee के तथाकथित सदस्यों को कानून के इन बिंदुओं का अंश मात्र भी ज्ञान नहीं था और उनके इस अज्ञान की शिकार हुई बेचारी नेहा; लेकिन इस आदेश के साथ CWC ने नेहा का Ossification Test / Bone Test कराने का आदेश जारी कर थोड़ी-बहुत मेहरबानी की।

For the simple reason that the officials seated in the Child Welfare Committee are unaware and ignorant of the primary laws pertaining to their own profession, the innocent girl was victimized. However, what might be the intention, while passing the orders, the CWC has advised for the Ossification/bone test of the girl to ascertain the age of the girl.

आध्यात्मिक विश्वविद्यालय में सुख से जीवन-यापन करने वाली नेहा को एक कैदी की तरह Protection Home में रखा गया। यहाँ तक कि उसे आध्यात्मिक किताबें पढ़ना व आध्यात्मिक क्लास सुनने के लिए भी सख्त मना किया गया। नेहा ने दूसरी लड़कियों को आध्यात्मिक ज्ञान सुनाना शुरू किया ही था, तो CWC की अध्यक्ष के आदेश पर, उस पर भी पाबन्दी लगाई गई। अपने हाथ से भगवान की याद में भोजन पकाकर खाने वाली नेहा के ऊपर तो Protection Home में धर्म संकट ही आ पड़ा। नेहा के बार-2 आग्रह करने पर आखिरकार नेहा को अपने हाथ से भोजन पकाने की अनुमति मिल ही गई।

The innocent girl Neha, who was happily leading a peaceful life attaining her goals of heights of spiritual enlightenment, was dumped in the Protection Home as a prisoner for no fault of her. She was abruptly prevented to study the spiritual knowledge and hear the spiritual discourses during her stay there, whereas she was already in course of teaching spiritual knowledge to other sisters. She was deprived of even that right to religion, by the President of the CWC. Neha who was accustomed to self-cooked food, in remembrance of Supreme God Father, was left over in dilemma. And at last after repeated requests, she was permitted to cook food for herself in remembrance of Supreme God.

यहाँ CWC के उपरोक्त आदेश से प्रताड़ित होकर, नेहा की बड़ी बहनें- श्वेता व प्रियंका द्वारा दिनांक 25.03.2017 को Ld. District & Session Judge, Rohini Court के सामने Criminal Appeal No. 42/17 दाखिल किया गया और नेहा को Protection Home से Release करने की माँग की गई।

Aggrieved with the order of the President , CWC , the elder sisters of Neha, Sweta and Priyanka have filed a Criminal Appeal No. 42/17 on 25th March, 2017 before the Ld. District & Session Judge, Rohini Court requesting to direct the President CWC, release Neha from the Protection Home.

यहाँ CWC के उपरोक्त आदेश से प्रताड़ित होकर, नेहा की बड़ी बहनें- श्वेता व प्रियंका द्वारा दिनांक 25.03.2017 को Ld. District & Session Judge, Rohini Court के सामने Criminal Appeal No. 42/17 दाखिल किया गया और नेहा को Protection Home से Release करने की माँग की गई। इन्स्पेक्टर विप्लेश तोमर ने नेहा के माता-पिता से मिलीभगत कर रोहिणी कोर्ट के Metropolitan Magistrate के सामने नेहा के 164 Cr.P.C के अंतर्गत बयान जान-बूझकर 15 दिनों तक दर्ज नहीं करवाए और इन्स्पेक्टर विप्लेश तोमर व उसके जूनियर पुलिस स्टाफ द्वारा लगातार नेहा को विजयविहार पुलिस स्टेशन के सीक्रेट रूम में ले जाकर दबाव बनाया जाने लगा और कभी उसे Emotionally Blackmail कर व कभी उसे धमकाकर Magistrate के सामने बयान बदलने के लिए दबाव बनाया गया।

In connivance with the parents of Neha, Inspector Vipnesh Tomar has intentionally avoided getting the statement recorded from Neha under section 164 Crpc before the Metropolitan Magistrate of the Rohini Court. Inspector Vipnesh Tomar used to call for Neha in a separate room in the Vijaya Vihar Police Station and pressurize her with threats, tortures and emotional blackmail for changing her statement to his tunes before the Magistrate.

यहाँ तक कि इन्स्पेक्टर विप्लेश तोमर के सामने नेहा की माँ उर्मिला देवी भी नेहा को धमकियाँ देती थी कि “तुम मेरे साथ घर जाने के लिए हाँ कर दोगी, तो जो आश्रम में तबाही मच रही है, आश्रम सील हो रहा है

और एक-एक कन्याओं को आश्रम के बाहर निकाल रहे हैं, मैं उसे रोक दूँगी। सिर्फ तुम हाँ कर दो कि मुझे मम्मी के साथ जाना है, तो मैं आध्यात्मिक विश्वविद्यालय के खिलाफ सारी कम्प्लेंट वापस ले लूँगी। सिर्फ तुम्हारे हाँ करने की देरी है।”

The intensity of threats have reached to the extent that the mother of Neha, Urmila Devi used to repeatedly threaten Neha, “ I will put an end to the havoc being caused in the Ashram including sealing of the Ashram and dragging out each and every girl out of the Ashram if you co-operate with me, “ Urmila Devi repeatedly assured Neha, “If you accept and give a statement that you have to go to home along with the mother, then I will withdraw the complaint against the Adhyatmik Vishwa Vidyalaya. Only yours would be the delay to say yes.”

दिनांक 24.03.2017 को बाबा साहेब अम्बेडकर अस्पताल में नेहा का बोन टेस्ट कराया गया व दिनांक 30.03.2017 को Metropolitan Magistrate, Rohini Court के सामने नेहा को उपस्थित किया गया व Magistrate द्वारा नेहा के 164 Cr.P.C. के अंतर्गत बयान दर्ज किए गए, जिसमें नेहा ने यह बयान दिया कि **“मैं आध्यात्मिक विश्वविद्यालय में पढ़ाई कर रही हूँ... पुलिस वाले मुझे जबरदस्ती आश्रम से ले आए; मैं नहीं आना चाहती थी। पुलिस वालों ने मुझे कहा था कि बस पूछताछ के लिए आपको ले जा रहे हैं और फिर CWC में रखेंगे, पर उन्होंने जबरदस्ती मेरा मेडिकल टेस्ट करवाया। मेरे साथ कभी भी कुछ भी गलत नहीं हुआ। मैं आध्यात्मिक विश्वविद्यालय में अपनी दीदी लोगों के साथ रहना चाहती हूँ वहाँ मेरी सगी बहनें, जिनके नाम श्वेता और प्रियंका हैं, रहती हैं और पढ़ाई करती हैं। मैं वहाँ बहुत खुश थी, मैं वहाँ अपनी मर्जी से रहती थी, मैं वहाँ स्वतंत्र थी, मैं वहीं जाना चाहती हूँ।”**

Subsequent to the bone test conducted at the Ambedkar Hospital, on 24th March, 2017, Neha was produced before the Metropolitan Magistrate of the Rohini Court on 30th March, 2017. She was firm in her statement given under section 164 Crpc before the Magistrate. Setting aside all the threats and tortures faced, she has specified before the Magistrate on 30th March, 2017, in clear terms, “I am studying in the Adhyatmik Vishwa Vidyalaya. Despite my protest and resistance, the police has dragged me forcefully to the Police Station under the pretext of interrogation and enquiry and keep in the CWC. They have got medical test conducted forcefully despite my resistance. Nothing untoward has ever happened to me in the Ashram. I

want to stay in the Adhyatmik Vishwa Vidyalaya along with my elder sisters. My own sisters Sweta and Priyanka stay there for getting the education. I am very happy there at my will and pleasure. I am independent there and I wish to go there only. “ She has further affirmed her age to be 18.

दिनांक 03.04.2017 को बाबा साहेब अम्बेडकर अस्पताल के विद्वान मेडिकल बोर्ड द्वारा यह अंतिम निर्णय दिया गया कि **“Approximate bone Age of the Patient is more than 22 years (Twenty two) but less than 25 years (Twenty five)”**.

Baba saheb Ambedkar Hospital has submitted the final report, on 3rd April, 2017. “Approximate bone Age of the Patient is more than 22 years (Twenty two) but less than 25 years (Twenty five)”.

एक के बाद एक, लगातार नेहा की जीत हो रही थी और इन्स्पेक्टर विप्लेश तोमर व नेहा के माता-पिता के सारे षड्यंत्रों पर पानी फिर रहा था।

There was a continuous victory for Neha, in other words for the “Truth” against each and every atrocity by the Police and Waters remained spilling on the efforts of Inspector Vipnesh Tomar in connivance with the parents of Neha.

आखरीन दिनांक 05.04.2017 को माननीय डिस्ट्रिक्ट व सेशन जज, रोहिणी कोर्ट द्वारा अंतिम निर्णय देते हुए यह कहा गया कि **“चूँकि नेहा की दो जन्मतिथि रिकॉर्ड में आई हैं, जिसमें कुमारी नेहा की उम्र 17^{1/2} से 18^{1/2} के बीच में दिखाई गई है, जो विवादास्पद है, जिसके कारण कमिटी ने ऑसिफिकेशन टेस्ट कराने के लिए आदेश दिया। उसी दौरान दिनांक 30.03.2017 को विवेचक ने कुमारी नेहा के 164 Cr.P.C. के अंतर्गत बयान कराए, जिसमें कुमारी नेहा ने स्पष्ट रूप से कहा कि वह अपनी दोनों बड़ी बहनें- श्वेता और प्रियंका के साथ आध्यात्मिक विश्वविद्यालय में रहना चाहती है। उसने अपने बयान के अंतर्गत 164 Cr.P.C. में अपनी उम्र 18^{1/2} वर्ष होने का खुलासा किया है।**

कुमारी नेहा को न्यायालय में भी पेश किया गया और उससे पूछताछ की गई और पूछताछ के दौरान उसने स्पष्ट रूप से कहा और अपनी स्पष्ट इच्छा जताई कि वह अपनी दोनों बड़ी बहनों के साथ आध्यात्मिक विश्वविद्यालय में रहना चाहती है।

कार्यवाही के दौरान विवेचक ने कुमारी नेहा का ऑसिफिकेशन टेस्ट रिपोर्ट फाइल किया और दिनांक 03.04.2017 के ऑसिफिकेशन टेस्ट रिपोर्ट के अनुसार मेडिकल बोर्ड ने कुमारी नेहा के उम्र के बारे में यह राय दी कि “मरीज की उम्र (bone) लगभग 22 वर्ष से ज़्यादा और 25 वर्ष से कम है।”

अतः रिपोर्ट के अनुसार यह स्पष्ट है कि कुमारी नेहा की उम्र 18 वर्ष से ज़्यादा है और वह बालिग है और उसे उसकी इच्छा के बगैर किसी भी प्रोटेक्शन होम में नहीं रखा जा सकता। किसी बालिग को उसकी इच्छा के विरुद्ध डिटैन करने के बारे में क्या कह सकते हैं, उच्च न्यायालयों ने तो अपने विभिन्न अंतिम निर्णयों में यह कहा है कि नाबालिग का प्रश्न अप्रासंगिक है; क्योंकि नाबालिग को उसकी इच्छा या उसके पिता की इच्छा के बगैर प्रोटेक्शन होम में डिटैन नहीं किया जा सकता और किसी व्यक्ति की स्वतंत्रता में कटौती के बारे में कोई कानूनी वैधता नहीं हो सकती है। *Mrs. Kalyani Chaudhari Vs. The State of UP and Ors. 1978 Criminal Law Journal 1003 and Smt. Mala and another Vs. State of UP, Habeas Corpus Writ Petition No. 51294 of 2015*, इन निर्णयों का आधार लिया जा सकता है। *Pushpa Devi Vs. Sate of UP और 1994 HVVD (All) C.R. Vol. II page.259* में डिवीज़न बेंच का यह कहना है कि “किसी भी स्थिति में, हेबिअस कार्पस पिटिशन में उम्र का प्रश्न महत्वपूर्ण नहीं है; क्योंकि यहाँ तक कि नाबालिग को भी अपना पक्ष रखने का पूरा अधिकार है और यहाँ तक कि माता-पिता भी नाबालिग को उसकी इच्छा के विरुद्ध डिटैन करने के लिए मजबूर नहीं कर सकते, जब तक कि इसके लिए अन्य कोई कारण न हों।

अन्य प्रकरण *Smt. Raj Kumari Vs. Supdt., Women Protection, Meerut and other reported in 1997 (2) A.W.C. 720* में यह कहा गया है कि “इस न्यायालय का विचार यह है कि यहाँ तक कि नाबालिग को उसकी इच्छा के बगैर सरकारी प्रोटेक्शन होम में नहीं रखा जा सकता।”

Balwinder Singh Vs. State of Punjab and others 2008 (3) RcR Criminal and Shamsher Vs. U.T. Chandigarh and others 2011 (5) RCR Criminal 677 प्रकरण में भी उच्च न्यायालय का भी यही विचार है। *Neetu Singh Vs. State 1999 (3) RCR (Criminal) 26* में दिल्ली उच्च न्यायालय के डिवीज़न बेंच का यह कहना है कि “नाबालिग को उसकी इच्छा के बगैर नारी निकेतन में नहीं रखा जा सकता। नाबालिग लड़की की शादी.....”

इस मामले में, दिनांक 03.04.2017 के ऑसिफिकेशन टेस्ट रिपोर्ट के आधार पर यह स्पष्ट है कि कुमारी नेहा की उम्र 18 वर्ष से ज़्यादा है और इस रिपोर्ट पर निर्णय लिया जाना उचित होगा; क्योंकि अलग-अलग उम्र के दो जन्म प्रमाण-पत्र प्रस्तुत किए गए हैं। अतः कुमारी नेहा को प्रोटेक्शन होम बख्तावरपुर में रखने का कोई प्रश्न ही नहीं है। अतः विवादित आदेश दिनांक 15.03.2017 को रद्द किया जाता है और कुमारी नेहा को कस्तूरबा गाँधी नेशनल मेमोरियल ट्रस्ट, पी.ओ.-बख्तावरपुर, दिल्ली-110036 प्रोटेक्शन होम से बरी करने का आदेश दिया जाता है और वह अपनी इच्छा अनुसार किसी भी जगह पर रहने के लिए स्वतंत्र है। तदनुसार इस अपील को समाप्त किया जाता है। इस आदेश की एक प्रति को दस्ती किया जाए। इस आदेश की एक प्रमाणित प्रति चेयरमैन, चाइल्ड वेलफेयर कमिटी, अवंतिका, रोहिणी, दिल्ली को भेजा जाए। इस अपील फाइल को रिकॉर्ड रूम में भेजा जाता है।”

It was on 5th April, 2017, the honorable District and Sessions Judge, (North West) Rohini Courts, Delhi has promulgated his order. Only a few extracts from the same is appended and of course the full order has however been attached at the end.

Para 22. Kumari Neha was also produced and inquiries were made from her and during the enquiry she categorically stated and showed her clear desire that she wanted to live along with her two sisters in Adhyatmik Vishwa Vidyalaya.

Para 23. During the course of proceedings the IO had filed Ossification test report in respect of Kumari Neha and as per the ossification test report dated 03-04-2017, the opinion given by the board in regard to the age of Kumari Neha is as follows.

“Approximate bone age of the patient is more than 22 years (22) and less than 25 years (25). “

Para 24. So, clearly as per this report, Kumari Neha is more than 18 years of age and is a major and she cannot be detained in any protection home against her wish. What to say of a major being detained against her wish, the Superior courts in various judgments have held that question of minority is irrelevant because a minor cannot be detained against her will or at the will of her father in a protection home and there can be no legal validity for the curtailment of liberty of a person.”

Para 27. In the instant case Kumari Neha is aged more than 18 years as is evident from the ossification test report dated 03-04-2017. There is no question of Kumari Neha being detained in Protection Home , Bhaktawarpur, Accordingly, the impugned order dated 15-03-2017, is set aside and Kumari Neha is directed to be released forthwith from Protection Home. She is free to live in the place of her choice.

आखरीन बख्तावरपुर स्थित उस कैदखाने से छूटकर नेहा अपनी बड़ी बहनों के साथ आध्यात्मिक विश्वविद्यालय वापिस आ गई।

It was Konica Varman , It was Sabita kabade and the third in the series to suffer detention in protection homes is now Neha despite the well settled position of Law promulgating the detention of girls in Protection Homes as illegal. At last, Neha also could with much difficulty, come out of the clutches of the Jail into the peaceful "AVV family" with her elder sisters.

ज्यादातर लोग तो पुलिस के द्वारा किए गए अत्याचार के खिलाफ कोई आवाज़ नहीं उठाते; लेकिन नेहा के सतीत्व व पवित्रता का परीक्षण करने की इन खाकी वर्दी वाले नराधमों ने चेष्टा की, तो उसकी सज़ा भी उनको मिलनी ज़रूरी है। शिव की शक्तियों को ऐसे असुरों के प्रति संहारकारिणी बनना ही पड़ता है।

Mostly people compromise with their sufferings and do not raise their voice against the atrocities of the Police, but the ones who disrespect the Police Act and defame their own dress code have to face the legal action for their heinous harassments towards young girls under the guise of virginity tests, threats and tortures in the name of interrogation and at times in the absence of Lady Police. It is for and up to Shiv Shaktis, repeat, only for Shiv Shaktis to destroy the evil forces.

प्रोटेक्शन होम से छूटने के बाद नेहा चुप नहीं बैठी। दिनांक 15.04.2017 को नेहा ने इन्स्पेक्टर विपनेश तोमर व उसके सहयोगी जूनियर पुलिस स्टाफ के खिलाफ कमिश्नर ऑफ पुलिस, नई दिल्ली, राष्ट्रीय महिला आयोग व राष्ट्रीय मानव अधिकार आयोग के सामने शिकायत दर्ज की, जिसमें यह स्पष्ट किया कि “नेहा को इन्स्पेक्टर विपनेश तोमर व अन्य-अन्य पुलिसकर्मियों द्वारा ज़ोर-ज़बरदस्ती घसीटकर आध्यात्मिक विश्वविद्यालय से ले जाकर, उसकी इच्छा के विरुद्ध उसकी मेडिकल जाँच कराई गई तथा उसकी माँ से मिलीभगत कर उसे पुलिस थाने के सीक्रेट रूम में ले जाकर, उसे पुलिस द्वारा व उसकी माँ द्वारा Magistrate के सामने अपने बयान बदली करने के लिए धमकाया गया व Emotionally Blackmail व Torture किया गया।”

With the burning heart inside, Neha could not sit mum. She has lodged complaints with facts against Inspector Vipnesh Tomar and his Junior Staff assisting him for the atrocities, with the Commissioner of Police, New Delhi as well the National Human Rights Commission. The complaints within themselves carry the facts, “ Inspector Vipnesh Tomar and his assistant staff have dragged Neha to Police station by using coercive measures from the Adhyatmik Vishwa Vidyalaya and got virginity test despite her resistance. Neha was taken forcefully into the secret room of the Vijaya Vihar Police station and pressurized, subjected her to emotional blackmail , threatened and tortured her to change her statement to their tunes before the magistrate. “

इतना ही नहीं, नेहा ने खुद NHRC, NCW व Commissioner of Police, New Delhi के कार्यालयों में जाकर दिनांक 20.04.2017 को फिर से उक्त शिकायत दर्ज कराई; लेकिन तीन-चार महीनों तक राह देखने के बावजूद किसी भी उच्च अधिकारी द्वारा नेहा को न्याय नहीं मिला।

Having not satisfied, Neha has proceeded personally to the offices of Commissioner of Police, NHRC and NCW on 20-04-2017 and got her complaints registered again. And despite a long wait for three to four months there remained no response from any of the officials.

जिस कारण आखरीन नेहा ने माननीय दिल्ली उच्च न्यायालय में दिनांक 06.08.2017 को W.P.(Criminal No.) 2253/2017 दाखिल किया, जिसमें इन्स्पेक्टर विपनेश तोमर व उसके जूनियर पुलिस स्टाफ की Enquiry कर उनको सजा दिलाने की माँग की गई तथा इन्स्पेक्टर विपनेश तोमर व दोषी

पुलिस स्टाफ द्वारा नेहा को मुआवजा अदा करने की भी माँग की गई। यही नहीं, नेहा ने उक्त Writ Petition में इन्स्पेक्टर विपनेश तोमर पर F.I.R नं. 88/2017 में पक्षपाती विवेचना करने का आरोप लगाते हुए निष्पक्ष व स्वतंत्र Investigation Officer (विवेचक) की नियुक्ति करने की भी माँग की।

Lost the hopes on the Police higher ups even, Neha has moved a Writ Petition (Criminal No. 2253/2017) with Delhi High Court wherein she has placed her request to accord suitable punishment to the Inspector Vipnesh Tomar and other culprit Police Staff. A suitable compensation has also been requested for the mental and physical agony that has been undergone by Neha. She has also complained as to the biased and partial investigation adopted by Inspector Vipnesh Tomar in respect of F.I.R No. 88/2017. It was also prayed by Neha that an independent and impartial Investigating Officer be appointed to look into the matter.

उपरोक्त Writ Petition को सुनकर माननीय उच्च न्यायालय ने दिनांक 09.08.2017 को प्रतिपक्ष को Notice जारी करने का आदेश दे ही दिया।

After hearing the Writ Petition, the Honorable High Court has ordered to issue notices to the respondents.

नेहा को यह भी पता चला कि पुलिस अधिकारियों द्वारा उपरोक्त शिकायतों को बंद करने के लिए भरसक प्रयास किया जा रहा है; किन्तु नेहा ने यह ठान लिया है कि चाहे कितने भी आंधी और तूफान उसका मार्ग रोकने की कोशिश करें; लेकिन भ्रष्टाचारियों के खिलाफ शुरू की हुई उसकी जंग को वह पूरा करके ही छोड़ेगी।

Neha has also got information that the efforts are being initiated by the Police authorities to somehow put down the complaints by any means; but for Neha it was the question of dignity, pain, agony, suffering and violation of human rights as accorded by the Indian Constitution. Let any kind of thunderstorms come in her way, she is determined, confined and destined to see the end of her war against the inhuman Police atrocities.

Those devilish creatures who drop down the meat of the body consciousness and the black blood of evil thoughts and implementation, on the indestructible sacrifice of Rudra (Avinashee Rudra Jnan Yajn) at Adhyatmik Vishwa Vidyalaya are destined to face the end of their evils.

The WAR continues. The Bhagawat Story which has already seen 18 parts, (18 Adhyay), still continues. And the series of Victory also continues. This is the indestructible sacrifice at Adhyatmik Vishwa Vidyalaya founded by Supreme God Father. This is beyond the levels of human beings.

IN THE COURT OF SH. RAJNISH BHATNAGAR
DISTT. & SESSIONS JUDGE (NORTH-WEST)
ROHINI COURTS, DELHI.

Crl. Appeal No. 42/17

- 1 Shweta Jaiswal (Age 27 years)
D/o Sh. Rajendra Prasad
Ph. : 9891370007.
- 2 Priyanka Jaiswal (Age 24 years)
D/o Sh. Rajendra Prasad

Both R/o 351-352, Phase-1,
Pocket-A, Vijay Vihar,
Rithala, Rohini, Delhi-110085.

.....Victims / Appellants

Vs.

- (1) State of NCT Delhi
Through S.H.O.,
Vijay Vihar Police Station,
Delhi.
- (2) Child Welfare Committee
Through her Chairman Kamla Lakhwani
Office at Awantika, Sec.-1,
Rohini, Delhi.

.....Respondents

Date of Institution of Appeal : 25-03-2017
Date when reserved for orders : 01-04-2017
Date of Decision : 05-04-2017

ORDER

1. By this order, I shall dispose of an appeal U/s 101 of the Juvenile Justice (Care and Protection of Children) Act, 2015 filed by the appellants against the impugned order dated 15-03-2017, passed by Mrs. Kamla Lakhwani, Chairman of Child Welfare Committee, Rohini, Delhi.
2. Briefly stated, it is averred in the appeal that appellant No. 1 and 2 are major girls aged about 27 years and 24 years respectively and are elder sister of Kumari Neha (Detenu). It is further averred that the appellants have been voluntarily residing in Adhyatmik Vishwa Vidyalaya, 351-352, Phase-1, Pocket-A, Vijay Vihar, Rithala, Rohini, Delhi-110085 for the last 5-6 years & Kumari Neha who is detained in protection home against her wish was also voluntarily residing in Adhyatmik Vishwa Vidyalaya with appellants.
3. It is further averred that Adhyatmik Vishwa Vidyalaya is voluntary spiritual family which has been spreading the spiritual education of Sahaj Rajayoga for the last 40 years throughout the world and its teachings are based on Bhagwad Geeta. The appellants have attached with the appeal copies of their affidavits dated 17-02-2017 and copy of affidavit of Kumari Neha dated 03-09-2016, regarding their

voluntary joining Adhyatmik Vishwa Vidyalaya.

4. It is further averred that the appellants have joined the said Adhyatmik Vishwa Vidyalaya alongwith their mother Urmila Devi in the year 2011, so Mr. Rajendra Jaiswal (father of the appellants) lodged false FIR (Case Crime No. 881/2011) on 5-6-2011 against the members of Adhyatmik Vishwa Vidyalaya alleging that the appellants & their mother Urmila Devi were kidnapped and were being sexually exploited in Adhyatmik Vishwa Vidyalaya. It is further averred that appellants & their mother Urmila Devi filed special leave petition (Criminal appeal No. 1329 / 2012) before Hon'ble Supreme Court in the year 2011 and vide its final judgment dated 12-3-2015, Hon'ble Supreme Court quashed the entire proceedings against members of Adhyatmik Vishwa Vidyalaya.
5. It is further averred that Kumari Neha was being tortured by her father in the year 2011 and her father also acted inhumanly and left Neha & Babita to some unknown persons house who attempted to rape Kumari Neha & Babita. But fortunately they escaped and informed their mother Urmila who filed complaints against her husband Rajendra Jaiswal with the police.
6. It is further averred that thereafter Urmila Devi rescued her Children Neha & Babita and taken shelter of Adhyatmik

Vishwa Vidyalaya but in the year 2016, Urmila Devi again joined her husband and left Adhyatmik Vishwa Vidyalaya and joined some opponent group of Seema Tripathi, Sharda Prasad Meena and Maniram Bharti who made a complete brainwash of Urmila Devi and thereafter Urmila Devi along with her husband in connivance with opponent group, started attempting to abduct Appellant and Kumari Neha from Adhyatmik Vishwa Vidyalaya. It is further averred that Kumari Neha also filed complaint against her mother & father on dated 30-08-2016, to the SHO Vijay Vihar, DCP Outer District, Delhi and requested for adequate protection.

7. It is further averred that the parents of appellants also threatened the lady members of Adhyatmik Vishwa Vidyalaya so spiritual teachers Anita, Tara and others members of Vidyalaya filed a complaint against the parents of appellants on 5-9-16, with the SHO Vijay Vihar, D.C.P Outer, Commissioner of Police, New Delhi.

8. It is further averred that when all the efforts to take back appellants & her sister Neha from Adhyatmik Vishwa Vidyalaya turned futile, Urmila Devi lodged false FIR bearing No. 0088/2017 in connivance with her husband Rajendra Jaiswal on 19-01-2017 in Vijay Vihar Police station U/s 376/344/506 IPC.

9. It is further averred that IO recorded the statements of appellants & Kumari Neha U/s 161 CrP.C. On 27-02-17 & found that they are voluntarily residing and are not illegally confined. It is further averred that Kumari Neha is a major girl of 19 years as per school certificate. However, the appellants had apprehension that their parents would bring some forged school certificate and in connivance with the police they will forcibly take Kumari Neha back from Adhyatmik Vishwa Vidyalaya treating her to be minor. Therefore appellants have instituted complaint against her mother to the SHO, Vijay Vihar Police station, DCP, Rohini, Commissioner of Police, New Delhi on 14-03-2017 and requested to direct IO to do impartial investigation in this case.
10. It is averred that inspite of that complaint IO and other police staff of Vijay Vihar police station on the basis of some forged school certificate obtained from Maharajang UP have dragged Kumari Neha from Adhyatmik Vishwa Vidyalaya and she was subjected to medical examination on 14-3-17 and Kumari Neha was also detained in the protection home, Bhaktawarpur, Delhi at 10 p.m on 14-3-2017 against her wish on the oral direction of Chairman, Child Welfare Committee, Awantika, Rohini.
11. It is further averred that Kumari Neha was produced

before Child Welfare Committee Awantika Rohini on 15-3-2017, at 3:30 p.m where she was enquired by the Chairman and members in the presence of her mother and found that she is voluntarily residing in Adhyatmik Vishwa Vidyalaya and nothing wrong was committed to her. Kumari Neha also stated that she wants to go to Adhyatmik Vishwa Vidyalaya Vijay Vihar, Delhi and wants to stay with the appellants. In spite of that Child Welfare Committee, Awantika, Rohini and other members arbitrarily and illegally ordered to detain Kumari Neha in protection home at Bhaktawarpur, Delhi.

12. It is averred that Kumari Neha is mature, competent and intelligent girl to select her place of choice. It is further averred that there is a reasonable apprehension to the appellants that Neha will suffer mental torture in protection home against her wishes. On the basis of these facts the present appeal has been filed by the appellants.

13. The appellants have challenged the impugned order on the following grounds inter alia contending that : Kumari Neha was voluntarily residing in Adhyatmik Vishwa Vidyalaya with her elder sisters (appellants); that parents of the appellants in connivance with some opponent group of Adhyatmi Vishwa Vidyalaya have lodged this false and

concocted FIR against the members of Adhyatmik Vishwa Vidyalaya; that previous FIR lodged by the father of the appellants against the members of Adhyatmik Vishwa Vidyalaya was quashed by the Hon'ble Supreme Court vide its judgment dated 12-03-15; that Kumari Neha on 15-03-2017 at 3:30 p.m. when enquired by the Chairman Child Welfare Committee, Avantika, Rohini, found to be voluntarily residing in Adhyatmik Vishwa Vidyalaya and she also stated that she wants to stay with the appellants; that the order passed by Hon'ble Chairman & other members of Chairman Committee is completely arbitrarily, perverse, biased and against the principles of law; that detention of Kumari Neha in protection home against her wish is violation of fundamental right of her personal liberty enunciated under article of 21 of Constitution of India & her right to religious freedom under Article 25 of Constitution of India; that appellants have filed application before respondent No. 2 for handing over custody of Kumari Neha stating all facts of the case but inspite of that respondent No. 2 acted arbitrarily and not given any copy of the order passed by them to the appellants.

14. The appellants have prayed that directions be issued to respondent No. 1 & 2 to immediately release Kumari Neha (Detenu) from Protection Home, Bakhtawarpur and allow her to

go at her place of choice during pendency of this appeal. The appellants have also prayed for quashing the part of the impugned order dated 15/03/2017 passed by respondent No. 2 detaining Kumari Neha (Detenu) in protection home, Bhaktavarpur against her wish.

15. The respondent No. 2 has contested the appeal by filing the reply and in the reply it is submitted that the IO had produced the child before the respondent No. 2 on the basis of first school attending date of birth which is 8-6-1999, which was duly verified from the concerned school. It is further stated that another date of birth proof was shown as 12-08-1998 which on verification was found not to be genuine. Therefore, a reasonable doubt was created before the committee. So the committee directed the IO to get the age determination test from B.S.A. Hospital. It is further stated that during the counselling the child expressed her desire not to join her parents so CWC referred her to children home for girls for necessary care and protection.
16. It is further stated that the committee is under statutory obligations to restore the child to her parents if child wants to join them and now since she is a minor in such case the respondent No. 2 is unable to release the child and allow her to join appellants who are backed by religious minded

group.

17. It is further stated that the appellants are not the victims in the terms of Committee order dated 15-3-2017 and the associates of the appellants wants to take revenge from the parents of the said child. It is prayed that the allegations levelled upon respondent No. 2 be disallowed.
18. I have heard the counsel or the appellants and counsel for the respondent No. 2 and also perused the records of this case and more particularly the impugned order dated 15-03-2017.
19. It is urged by the counsel for the appellants that Kumari Neha is a major and she is being illegally detained in Protection Home, Bakhtawarpur. It is further urged by him that even otherwise, even if Kumari Neha is considered to be a minor which she is not, even the minor cannot be detained against her "Will" in protection home. It is further urged by him that as per the ossification test report Neha is opined to be more than 22 years but less then 25 years old.
20. I have perused the impugned order dated 15-03-2017 which reads as follows :

"Neha is an inmate of Adhyatmik Vishwa Vidyalaya since 2013. She stays alongwith her 2 elder sisters Shweta Jaiswal and Priyanka Jaiswal. Her

mother has filed an FIR to get the custody of her minor daughter Neha. The Age verification is done by the IO issued by Umashankar Inter College has issued two birth dates. In one Neha is 18 ½ and in the other she is 17 ½ years. Under these circumstances, order is issued for age determination test. Until then, Neha to continue under the custody of KGNMT."

21. Since there are two date of birth coming on record in which the age of Kumari Neha varies as 18½ years and 17 ½ years which are contradictory, the Committee ordered for ossification test. In the meanwhile IO also got recorded the statement of Kumari Neha U/s 164 Cr.P.C on 30-03-2017, wherein Kumari Neha categorically stated that she wants to live in Adhyatmik Vishwa Vidyalaya alongwith her two elder sisters. She has also disclosed her age in her statement U/s 164 Cr.P.C as 18 ½ years.
22. Kumari Neha was also produced in the Court and inquiries were made from her and during the inquiry she categorically stated and showed her clear desire that she wanted to live alongwith her two sisters at Adhyatmik Vishwa Vidyalaya.
23. During the course of the proceedings the IO had filed ossification test report in respect of Kumari Neha and as per

the ossification test report dated 03-04-2017, the opinion given by the board in regard to the age of the Kumari Neha is as follows :

"Approximate bone age of the patient is more than 22 years (22) and less than 25 years (25)"

24. So clearly as per this report Kumari Neha is more than 18 years of age and is a major and she cannot be detained in any protection home against her wish. What to say of a major being detained against her wish, the Superior Courts in various judgments have held that question of minority is irrelevant because a minor cannot be detained against her "Will" or at the "Will" of her father in a protection home and there can be no legal validity for the curtailment of the liberty of a person. Reliance can be placed upon Mrs. Kalyani Chaudhari Vs. The State of UP and Ors. 1978 Criminal Law Journal 1003 and Smt. Mala and another Vs. State of UP, Habeas Corpus Writ Petition No. 51294 of 2015. In Pushpa Devi Vs. State of UP and others reported in 1994 HVVD (All) C.R. Vol. II page 259 the Division Bench held as follows :

"In any event, the question of age is not very material in the petitions of the nature of habeas corpus as even a minor has a right to keep her person and even the parents cannot compel the

detention of the minor against her will, unless there is some other reason for it.”

25. In another case titled as Smt. Raj Kumari Vs. Supdt., Women Protection, Meerut and others reported in 1997 (2) A.W.C. 720 it is held as follows :

“It is well settled view of this Court that even a minor cannot be detained in Government Protective Home against her wishes.”

26. Similar is the view of the Superior Court in Balwinder Singh Vs. State of Punjab and others 2008 (3) RCR Criminal 1 and Shamsher Vs. U.T. Chandigarh and others 2011 (5) RCR Criminal 677. In Neetu Singh Vs. State 1999 (3) RCR (Criminal) 26, the division bench of Delhi High Court held that minor cannot be kept in Nari Niketen against her wishes and the marriage of a minor girl is neither void nor voidable”.

27. In the instant case Kumari Neha is aged more than 18 years as is evident from the ossification test report dated 3-4-17, and reliance can be placed on this report because there are two date of birth certificates giving different ages, so there is no question of Kumari Neha being detained in Protection Home, Bakhtawarpur. Accordingly, the impugned order dated 15-03-2017, is set aside and Kumari Neha is directed to be

released forthwith from Protection Home, Kasturba Gandhi National Memorial Trust, P.O. Bakhtawar Pur, Delhi-110036 and she is free to live in the place of her choice. The appeal is disposed of accordingly. Copy of this order be given dasti. An attested Copy of this order be also sent to the Chairman, Child Welfare Committee, Awantika, Rohini, Delhi. Appeal file be consigned to Record Room.

**Announced in the open Court
today i.e. on 05.04.2017**



Sd/-
District & Sessions Judge (N/W)
(RAJNISH BHATNAGAR)
Distt. & Sessions Judge (N/W)
Rohini Courts, Delhi

... COPY
Bunol kumar
(READER) *5.4.2017*