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

+ W.P. (CRL) 2370/2023 & CrI.M.A.22248/2023

NEHA

.....Petitioner

Through: Ms. Amritananda Chakravorty,
Mr.Mihir Samson, Ms.Asawari
Sodhi, Ms.Vaishnavi Prasad and
Mr.Pradip K. Singh, Advs.

versus

GOVERNMENT OF NCT OF DELHI & ORS. Respondents

Through: Mr.Sanjay Lao, ASC (CrI.) with
Mr.Abhinav Kr. Arya &
Ms.Priyam Agarwal, Advs.
Insp.Rajnish Kumar with W/Ct.
Reena PS Sultanpuri

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

29.08.2023

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1. In view of the fact that Gulafsha, 22 years old, had expressed before this Court on the last date of hearing that she did not want to accompany her parents or any other relative and wish to live with petitioner-Neha, this Court vide order dated 22.08.2023 had directed to send her to Shakti Shalini Shelter Home, a Non-Governmental organization, working on Gender Equality and survivors of Gender/Sexual Violence, for a week. Directions were also given to the

Director, Shakti Shalini Shelter Home to counsel Gulafsha as well as her parents and maternal uncle and to file the status report.

2. Status report dated 29.08.2023 has been filed by the Coordinator and Counsellor of Crisis Intervention and Counselling Centre, Shakti Shalini, wherein it is stated as under:

“During her stay of a week, survivor was counselled once by Monika Tiwary, Coordinator and Counsellor of Crisis Intervention and Counselling Centre of Shakti Shalini on 23.08.2023. In the process of Counselling session, she made it clear that she does not want to go back to her family and that she wants to stay with Neha, her friend. She also shared that she does not want to talk or meet any of her family as her family is not ready to accept the fact that she is homosexual and she fears that if she goes back, they will confine her at home.

On 25.08.2023 survivor’s father Md. Alam and Maternal Uncle Riyaz visited Shakti Shalini and met the counsellor. During the interaction it was understood that the family believes that Gulafsha has been brainwashed by Neha. Her uncle Riyaz shared that he tried reading about homosexuality but the family finds it difficult to accept it. Both expressed that they wanted to meet the survivor but she refused to meet them when the counsellor asked her.”

3. This Court has perused the Status Report wherein it is mentioned that father of Gulafsha (Survivor), Md.Alam and her maternal uncle- Riyaz during the counselling session stated before the Counsellor that Gulafsha has been brainwashed by Neha, petitioner herein. However, her uncle Riyaz shared that he tried reading about homosexuality but the family found it difficult to accept it. As per the status report, Gulafsha has told the counsellor that she does not want to go back to her family and would like to stay with Neha, her friend.

4. Upon hearing both the sides and on perusal of status report placed before this Court, we find that Gulafsha is 22 years old adult and as per law, she cannot be forced to go to any place against her wishes.

5. Today also, we have separately interacted with Gulafsha, her father and the petitioner herein in the chamber. She stated that she wants to stay with Neha, her friend. We are of the considered opinion that the Gulafsha is at liberty to stay with whomsoever and wherever she wants.

6. We hereby make it clear that the parents, relatives and their associates shall not extend any threat in whatsoever manner directly or indirectly or undue pressure upon the petitioner as well as Gulafsha /survivor.

7. The petitioner and survivor are at liberty to live their lives in the society as per their own style. Father of the Gulafsha-survivor, who is present before this Court, has assured that all the documents/certificates and belongings of the survivor shall be handed over to her directly or through Inspector Rajnish Kumar, Police Station Sultanpuri, Delhi who is also present in Court and who in turn shall hand over the same to Gulafsha-survivor.

8. SHO concerned is directed to share mobile number of the Beat Constable as well as W/SI to petitioner or the survivor for any kind of assistance they may require.

9. Presently, petitioner is staying at Nazaria Foundation Shelter Home, Plot no. 2, Kh. No. 298/1, Neelkanth Apartments, UGF- 7, Gadaipur Village of Police Station Fatehpur Beri and she would like to take the survivor, her friend, to that shelter home. Permission is granted.

10. The SHO, Fatehpur Beri is directed to share the mobile numbers of

W/SI and beat constable to the petitioner as well as the survivor.

11. At this stage, father of the survivor has expressed apprehension for her safety. Inspector Rajnish Kumar, Police Station Sultan Puri, who is present in the Court, shall share his number with petitioner as well as survivor, so that in case petitioner and Survivor change their mobile number, the same shall be conveyed to him, who in turn shall convey it to the parents of Neha, if so enquired by them.

12. We hereby make it clear that as and when petitioner shifts from Nazaria Foundation Shelter Home, she will convey her fresh address particulars to the concerned police station.

13. Status report filed by Shakti Shalini Shelter Home is taken on record and copy thereof is handed over to the Insp. Rajnish, petitioner-Neha, survivor and father of the survivor.

14. It is made clear that if any of the party violates the order passed by this Court, action will be taken against the erring party.

15. With directions as aforesaid, the present petition is disposed of.

SURESH KUMAR KAIT, J

NEENA BANSAL KRISHNA, J

AUGUST 29, 2023/ab