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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010344962026
+ **W.P.(CRL) 2281/2026**
PRIYA KUMARI Petitioner

Through: Mr. Mohit Mathur, Sr. Adv
with Mr. Nitesh Mehra, Mr.
Amit Chaudhary, Ms. Hitaakshi
Mehra, Mr. Vignesh, Mr.
Prashansa, Mr. Neeraj Yadav,
Mr. Vikas Nain, Mr. Shubham
Upadhyay, Mr. Anukirn Bajpai,
Ms. Komal Yadav, Ms.
Akasnsi Rawat, Advs.

versus

STATE GOVT OF NCT OF DELHI AND ANR

.....Respondents

Through: Mr. Amol Sinha, ASC along
with Mr. Kshitiz Garg, Mr.
Ashvini Kumar, Mrs. Chavi
Lazarus, Mr. Nitish Dhawan,
Advs. and Insp. Ajay Kalewa
and SI Akansha, PS K.N. Katju
Marg for State.
Mr. Varun Mudgil, Ms. Eti
Kushwaha, Ms. Sheetal
Sharma, Ms. Divya, Advs. for
R-2 and R-3.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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31.07.2026

1. This petition has been filed under Article 226 of the Constitution of India read with Section 528 Bharatiya Nagarik Suraksha Sanhita, 2023 for issuance of a Writ of Habeas Corpus,



directing the respondents to produce the minor child of the petitioner and respondent no. 2.

2. In the petition, it is stated that the minor child was born on 02.04.2026 *via* Lower Segment Cesarean Section (LSCS). While the petitioner remained admitted in the hospital and was recovering from her critical condition, the respondent no. 2 forcibly and illegally took away the new born child from the hospital without the consent of the petitioner and is now refusing to hand back the custody of the minor child nor allowing the petitioner to enter her matrimonial home.

3. In the morning, when this matter was called up for the first time, the learned counsel for the respondent no. 2, appearing on advance notice, assured this Court that the petitioner will be allowed to enter into her matrimonial home.

4. Now when the matter is called up again post lunch, the learned Senior Counsel for the petitioner complains that the petitioner was not allowed by the respondent no. 2 to enter into her matrimonial home in the morning. This is confirmed by the learned counsel for the respondent no. 2, who now submits that the custody of the minor child will be handed over immediately to the petitioner.

5. We bind the respondent no. 2 to the statement made, while also warning him that, in case this time he again fails to comply with his own statement, we would be constrained to take strict action against him.

6. The petitioner may obtain the custody of the minor child from the respondent no. 2. We direct the Beat Constables of the Police Station K.N. Katju Marg, in the jurisdiction of which the respondent



no. 2 resides, to accompany the petitioner for obtaining the custody of the minor child today itself from the matrimonial home of the petitioner.

7. As custody of the minor child stands restored to the petitioner, nothing survives in this petition. The petition is accordingly disposed of.

8. Copy of this order be given *dasti* under the signatures of the Court Master.

NAVIN CHAWLA, J

RAVINDER DUDEJA, J

JULY 31, 2026/lks/ma/pb