



2026:DHC:7018-DB



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

Date of decision: 20.08.2026

CNR No. DLHC010387552026

+ **W.P.(CRL) 2520/2026 & CRL.M.A. 25556/2026**

ANKIT TOMAR

.....Petitioner

Through: **Mr.Kuldeep Kumar & Mr.Syed
Nilofar Akhtar, Advs.**

versus

**DIRECTOR GENERAL OF POLICE UTTARKHAND
THROUGH SSP HARIDAWR & ANR.**

.....Respondents

Through: **Mr.Sanjay Lao, Sr. Adv. with
Mr.Hitesh Vali, APP for the
State along with Mr.Priyam
Agrawal & Mr.Aryan
Sachdeva, Advs. with Insp.
Krishan Gopal, PS-Farsh Bazar.**

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

NAVIN CHAWLA, J. (ORAL)

1. The present Writ Petition has been filed under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), seeking issuance of a Writ in the nature of Habeas Corpus, directing the respondent nos. 1 and 2 to produce the minor son of the petitioner, aged around 8 years, who is



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stated to be in the illegal custody of the respondent nos. 3 and 7; the respondent no. 3 is the wife of the petitioner.

2. In the petition, it is alleged that the marriage of the petitioner and the respondent no. 3 was solemnized on 22.11.2015 at Haridwar, Uttarakhand. From the said wedlock, the minor child was born on 02.08.2018. The petitioner admits in the synopsis filed alongwith the Writ Petition, that the minor son has been living in the custody of the respondent no. 3/wife since birth.

3. The petitioner further asserts that for the last two years, the petitioner has had no whereabouts of his minor son and has not seen him, as respondent no. 3 has stopped coming to the Court at Haridwar and is taking adjournments in the matrimonial cases filed by the petitioner, on one pretext or the other. It is also admitted that the petitioner and respondent no. 3 have been living separately since the year 2016 and that the respondent no. 3 has been staying at Haridwar, Uttarakhand, with the minor son.

4. The Writ Petition also narrates various other allegations relating to the causes of the matrimonial disputes between the petitioner and the respondent no. 3, with which we are not presently concerned, as these are subject matters of a petition filed by the petitioner under Sections 13-1(ii), 1-A and 1-B of the Hindu Marriage Act, 1955, and pending adjudication before the Family Court at Haridwar.

5. The petitioner further asserts that he had filed a written complaint dated 19.09.2024 with the SHO, Police Station Kankhal, District Haridwar, and further complaints dated 20.09.2024,



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23.05.2025 and 29.05.2026 to the SSP of Haridwar, respectively, requesting them to help and arrange the meeting of the petitioner with the minor son, but no steps were taken by the police in this regard.

6. From the above narration of facts in the Writ Petition itself, it stands admitted by the petitioner that the minor child has been an ordinary resident of the State of Uttarakhand for the last many years and, to the knowledge of the petitioner, has been in the custody of respondent no. 3, the wife of the petitioner and the mother of the minor child. The petitioner has also initiated civil action for seeking visitation rights with the child before the concerned Family Court.

7. The learned counsel for the petitioner, in spite of the above facts, asserts that this Court must exercise its jurisdiction under Article 226 of the Constitution of India and issue a Writ of Habeas Corpus. In support, he places reliance on the judgments of the Supreme Court in *Tejaswini Gaud & Ors. v. Shekhar Jagdish Prasad Tewari & Ors.*, AIR 2019 SC 2318; *Yashita Sahu v. State of Rajasthan & Ors.*, (2020) 3 SCC 67; and, *Gautam Kumar Das v. NCT of Delhi & Ors.*, (2024) INSC 610.

8. We are not impressed with the above submissions of the learned counsel for the petitioner.

9. As noted hereinabove, the child is, to the knowledge of the petitioner, an ordinary resident of the State of Uttarakhand for the last many years and is in the custody of his mother, respondent no. 3. The petitioner has initiated appropriate legal proceedings before the learned Family Court in the State of Uttarakhand. A Writ of Habeas



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Corpus cannot be used to determine such family matters, for which specialized Courts have been created under the Family Courts Act, 1984. In fact, we find that the present petition is a clear abuse of the process of the Court and intended to have multiplicity of litigations.

10. We, therefore, dismiss the present petition. The pending application also stands disposed of. We, however, reserve liberty to the petitioner to approach the Court of competent jurisdiction in an appropriate proceeding.

NAVIN CHAWLA, J

RAVINDER DUDEJA, J

AUGUST 20, 2026/rv/hn