

In the High Court of Punjab and Haryana at Chandigarh

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Criminal W.P. No.1532 of 2015

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Date of decision:9.12.2015

Dalip Kumar Verma

...Petitioner

v.

Sangeeta Rani Verma and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Adarsh Jain, Advocate for the petitioner.

Mr. Gurmit Singh, Advocate for respondents No.1 and 2.

Ms. Shivali, Assistant Advocate General, Punjab for the respondent No.4-State.

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Inderjit Singh, J.

This criminal writ petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Habeas Corpus directing the respondents to produce the detenues – Baby Shilpa Verma aged 15 years, Baby Priyanka Verma aged 14 years and Master Tushar Verma aged 9 years in this Hon'ble Court as respondent No.1 illegally took custody of the children from the petitioner in his absence and also removed the children from Samrala, where they were studying in Kinder Garten & Senior Secondary School at the behest of respondents No.2 and 3 and for a direction to hand over the custody of the children to the petitioner, the father of the detenues.

Notice of motion was issued in this case.

Ms. Shivali, learned Assistant Advocate General, Punjab has appeared on behalf of the respondent No.4-State and Mr. Gurmit Singh, learned Advocate has appeared on behalf of respondents No.1 and 2 and contested this petition.

Learned counsel for the petitioner made a statement that he does not want relief against Shanti Devi-respondent No.3, therefore, she is not a necessary party. Hence service is complete.

I have heard leaned counsel for the parties and have gone through the record.

At the time of arguments, learned counsel for the petitioner argued that proceedings are pending against the respondents before the Guardian Judge and the Guardian Judge has already given the direction to produce the minor children in the Court. He argued that minor children have not been produced by the respondents before the Court and there is disobedience of the order of the Guardian Judge. He also argued at the time of arguments that the defence of the respondent-wife has already been struck off by the Guardian Judge.

Keeping in view the facts and circumstances of the present case and the fact that the dispute is regarding custody of the minor children between the husband and wife etc. and the proceedings are already going on before the Guardian Judge, therefore, in the Habeas Corpus petition no action is required to be taken. Further more, if there is any disobedience of the order of the Guardian Judge by the respondents etc. in those

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proceedings, the petitioner can avail the remedy whatever available to him.

As regards Habeas Corpus petition, no further action is required as the Guardian Judge is already seized of the matter.

Therefore, the criminal writ petition is dismissed.

December 9, 2015.

(Inderjit Singh)
Judge

hsp