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

+ W.P.(CRL) 401/2016

SHIVANI SAINI

..... Petitioner

Through Ms.Rakhi Dubey, Advocate for the  
petitioner with petitioner

versus

THE STATE ( NCT OF DELHI) & ORS

..... Respondents

Through Mr. Rahul Mehra, Standing Counsel with  
Mr. Amrit Singh and Mr. Jamal Akhtar,  
Advocate for the State with Inspector R.P.  
Meena and ASI Om Prakash.  
Mr. Sukhbir Singh, Advocate for  
respondents no.4 & 5.

**CORAM:**

**HON'BLE MR. JUSTICE G.S.SISTANI**

**HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL**

**ORDER**

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**15.02.2016**

Present writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ of *habeas corpus* seeking a direction to the respondents no.1 to 3 to search, rescue and produce the son of the petitioner before this Court, who had been illegally removed from the custody of the petitioner (mother) despite an interim settlement arrived at between the parties before the Family Court, Saket, as per which the father was to have visitation rights.

Notice was issued in the matter. The child was produced by the grand-mother. We had also directed the husband of the petitioner to be present in Court. Matter was taken up in the Chamber. Thereafter, the parties expressed their desire to explore the possibility of an amicable settlement and the matter was adjourned for today.

Today also, the matter was passed over once and taken up at the second call when a settlement agreement duly signed by the parties and witnessed by respondent no.5(father of respondent no.4) and the mother of the petitioner has

been handed over in Court. The parties who are present in the Court identify their signatures on each page of the settlement agreement. They submit that they have entered into this settlement out of their own free will, mutual consent and without any undue pressure and agree on each and every term of the settlement and after taking advice from close family members. The settlement agreement is Exhibit 'A'.

The parties undertake to this Court that they will abide by the terms of the settlement in letter and spirit and they would comply with all the terms and conditions as per the schedule fixed. The undertaking of the parties is accepted by the Court. Parties have also been explained the consequences of breach of the settlement/undertaking.

Parties agree to faithfully comply with all the terms including the visitation rights. Accordingly, the custody of the minor son is handed back to the mother. As stated and agreed, proceedings initiated by the petitioner under the DV Act and also the criminal contempt filed by the respondent shall be kept in abeyance and shall be withdrawn if the terms of the settlement are complied with.

We appreciate the efforts put in by all the parties and the counsel in early resolution of the matter.

The writ petition stands disposed of.

Dasti.

**G.S.SISTANI, J**

**SANGITA DHINGRA SEHGAL, J**

**FEBRUARY 15, 2016**

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*W.P.(CRL) 401/2016*

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