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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Judgment dated 23rd May, 2016*

+ W.P.(CRL) 1625/2016

RINKAL SETIA Petitioner

Through : Mr. F. K. Jha, Advocate.

versus

STATE OF NCT OF DELHI & ANR. Respondents

Through : Mr. Rahul Mehra, Standing Counsel (Crl.) with
Mr. Amrik Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J. (Oral)

Crl. M. A. 8480/2016 (Exemption)

1. Exemption allowed, subject to just exception.
2. Application stands disposed of.

W. P. (Crl.) 1625/206

3. Present writ petition has been filed by the petitioner under Article 226 of the Constitution of India read with Section 482 of Code of Criminal Procedure seeking production of his five years old daughter Pahar Setia.
4. As per the writ petition, marriage between the petitioner and respondent no.2 was solemnised on 1.12.2009. Out of their wedlock, one girl child namely Baby Pahar Setia was born on 14.5.2011. On 23.7.2015, respondent no.2, wife of the petitioner left the matrimonial home along with the child without the consent and knowledge of the petitioner. Petitioner alleges that respondent no.2 is indifferent, uncaring and an irresponsible mother and also claims that he was looking after the child

since her birth. The petitioner submits that for the past one year, he and other family members have not been able to meet the minor child.

5. Para 5 of the petition discloses that the petitioner has filed a Guardianship petition which is pending and notice has been issued to respondent no.2 for 19th October, 2016.
6. After some hearing in the matter, learned counsel for the petitioner seeks leave to withdraw this petition. He submits that he would approach the Guardianship Court and seeks early hearing or seeks such other remedy which may be available to the petitioner in accordance with law.
7. Petition is accordingly dismissed as withdrawn. We make it clear that we have not expressed any opinion on the merits of the matter.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

MAY 23, 2016

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