

\$~38

* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(CRL) 2523/2016 & CrI. MA 13299/2016
MOHIT GUPTA

..... Petitioner

Through Mr Gaurav Kejriwal and Ms Vandana
Kejriwal, Advs.

versus

STATE (GOVT OF NCT OF DELHI) & ORS

..... Respondent

Through Mr Tushar Sannu, Adv. for Mr Rahul
Mehra, Standing Counsel (CrI.),
GNCTD alongwith Sub Inspector
Shri Bhagwan Police Station Neb
Sarai, Delhi

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

%

29.08.2016

The petitioner- Mohit Gupta has already filed a petition for divorce and custody of the minor child which is pending before the Family Court. A clear averment to the said effect is made in paragraph 6.16 of the writ petition, which reads as under:-

“6.16.In the month of July, the petitioner finally having come to terms regarding the breakup of the marriage filed for divorce as also custody of the child before the Family Court Saket. A copy of the suit in HMA No.16/666 dated 05.07.2016 filed before the Family Court Saket is annexed hereto as Annexure – P3.”

The prayer clause of the aforesaid petition also includes a prayer for passing of a decree for permanent custody of the minor child.

It appears that the respondent no.3 who is the wife of the petitioner,

has changed her address and has also shifted the minor child to a new school. As per the noting dated 08.08.2016, made by the police, the respondent no.3, for some reasons, is reluctant to disclose her current address and place of residence or the name of the new school.

In the given circumstances, it would be appropriate and proper for the petitioner to approach the Family Court by way of an application in accordance with law. The said Court where the proceedings are pending can pass appropriate orders.

In view of the aforesaid position, at this stage, we are not inclined to entertain the present writ petition. The same is accordingly dismissed with the liberty to the petitioner to approach the Family Court in accordance with law. It will be open to the petitioner to press for an early hearing and disposal of the application. We clarify that we have not expressed any opinion on merits in favour or against any party.

Copy of this order will be given *dasti* to counsel for the parties.

SANJIV KHANNA, J

SUNITA GUPTA, J

AUGUST 29, 2016/*rd*