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

+ W.P.(CRL) 2615/2016 & CRL.M.A. 13936/2016 (For interim directions)

RAJ KUMAR

..... Petitioner

Through : Mr.Sunil Tiwari and Ms.Amrit Kaur,  
Adv. for the petitioner.

versus

COMMISSIONER OF POLICE & ORS

..... Respondents

Through : Mr.Dinesh Malik, Adv. from Delhi High  
Court Legal Services Committee.  
Mr.Sanjay Kumar, respondent no.2.

**CORAM:**

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

**HON'BLE MR. JUSTICE VINOD GOEL**

**ORDER**

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**19.12.2016**

1. Present petition has been filed by the petitioner under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure seeking a direction to the respondents to produce his father, Sh.Net Ram, who is stated to be in forceful and wrongful confinement of respondents no.2 and 3, before this Court and hand over the custody of his father to the petitioner.
2. It may be noticed that petitioner and respondent no.2 are the real brothers, respondent no.3 is the wife of respondent no.2 and respondent no.4 is the married sister of petitioner and respondent no.2.
3. As per the petition, Sh.Net Ram, father of the petitioner and respondent no.2, is a retired Government employee. In a family settlement, respondent no.2 had agreed to look after his father, Sh.Net Ram. It is alleged by the petitioner that Sh.Net Ram was being ill-treated by

respondents no.2 and 3. It is further alleged that the petitioner was also not being allowed by respondents no.2 and 3 to meet his father. Aggrieved by the conduct of respondents no.2 and 3, the petitioner filed a complaint with the Police Station Netaji Subhash Palace on 28.7.2016, Delhi, however, the Police failed to take any effective step, which led to the filing of the present petition.

4. We have heard learned counsel for the parties. It may be noticed that while issuing notice in this matter on 7.9.2016, the Delhi High Court Legal Services Committee was requested to nominate one of their officers or an Advocate to visit Sh.Net Ram at House no.I-266, J.J. Colony, Shakurpur, Delhi, and ascertain his wishes and well being. Accordingly, Mr.Dinesh Malik, Advocate, was appointed to ascertain the wishes and well-being of Sh.Net Ram. Mr.Dinesh Malik, Advocate, has filed status reports from time to time.
5. It may further be noticed that in the order dated 28.9.2016, it was noted that Sh.Net Ram, father of petitioner and respondent no.2, had made a statement before Mr. Malik that respondent no.2, Mr.Sanjay Kumar, has not held him captive but he would like to move around and go out. The order also records the *inter se* disputes and differences between the brothers and sister.
6. Today, it is informed to the Court that Sh.Net Ram is presently residing at D-1/33 and 34, Ground Floor, Rohini, Sector 11, Delhi, with the petitioner herein. One ATM card has also been handed over by Mr.Sanjay Kumar to the petitioner in Court today.
7. The petitioner, who is present in Court, submits that in case, Mr.Sanjay Kumar, respondent no.2, wishes to meet his father, Sh.Net Ram, he would have no objection provided no nuisance is created and the meeting is cordial. Mr.Sanjay Kumar, who is present in Court, submits that he is not

sure whether his father is being looked after or not by respondent no.2. Mr.Sanjay Kumar also submits that he will meet his father after giving prior intimation through SMS to his brother and no nuisance will be created.

8. Having regard to the fact that Sh.Net Ram is now residing with the petitioner, the petitioner submits that he wishes to withdraw this petition at this stage.
9. Accordingly, present petition stands dismissed as withdrawn.
10. The Court appreciates the efforts put in by Mr.Dinesh Malik, Advocate, who was appointed by Delhi High Court Legal Services Committee. The fees of Mr.Dinesh Kumar, Advocate, will be fixed by the Delhi High Court Legal Services Committee expeditiously keeping in view the work done and the number of visits paid by him.

**G.S.SISTANI, J**

**VINOD GOEL, J**

**DECEMBER 19, 2016**

msr /