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

+ W.P.(CRL) 78/2016 & CRL. M. A. 448/2016

FARAZ ALAMGIR

..... Petitioner

Through : Ms. Sunieta Ojha and Mr. Talish Ray,
Adv.

versus

UNION OF INDIA & ORS

..... Respondents

Through : Mr. Neeraj Jain, Adv. for respondents
no.1 and 2.

Ms. Geeta Luthra, Sr. Adv. with
Mr. Kabir Shankar Bose, Ms. Shivani
Luthra and Mr. Pranav Vashishtha, Adv.
for respondent no.3.

Mr. Chanchal Kumar Gungali and Ms.
Narmada, Adv. for respondent (State of
West Bengal).

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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15.02.2016

Petitioner has filed the present writ petition under Articles 226 and 227 of the Constitution of India for issuance of a writ of *habeas corpus* for production of his minor child who he claims has been allegedly detained by his wife.

Ms. Geeta Luthra, Senior Counsel has entered appearance on behalf of respondent no.3, wife. She submits that the present petition is misconceived and not maintainable as the petitioner is well-aware about the whereabouts of respondent no.3 as also the minor son, which is evident from the reading the writ petition where the correct address of respondent no.3 has been mentioned and thus, this Court lacks the territorial jurisdiction. Ms. Luthra submits that the three years old son of the petitioner and respondent no.3 is a British passport holder. Counsel further submits that being the mother, respondent no.3 is the lawful guardian of the three years old minor child.

Counsel appearing for State of West Bengal has also opposed this petition

and submits that the respondent no.3 is residing in Kolkata and no part of cause of action has arisen within the territorial jurisdiction of this Court. Counsel submit that it would be highly inconvenient for respondent no.3 who is living with her father and bringing up her three years old child to contest the matter at Delhi.

We have heard the learned counsel for the parties. The petitioner is unable to satisfy the Court with regard to the maintainability of this writ petition in Delhi, more so when respondent no.3 is residing in Kolkata and no part of cause of action has arisen within the territorial jurisdiction of this Court. We are also of the view that it would be highly inconvenient for respondent no.3 to contest the matter in Delhi while staying in Kolkata. We may note that the only explanation rendered by the counsel for the petitioner for approaching this Court is that respondent no.3 and her father are very influential persons in Kolkata.

We find no grounds to entertain this petition; the same is accordingly dismissed.

Crl.M.A.448/2016 also stands dismissed.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

FEBRUARY 15, 2016

sc/pst

W.P.(CRL) 78/2016

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