

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRWP No.1525 of 2016 (O&M)
Date of decision : 16.02.2017

Reena Rani

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Petitioner in person with
 Mr. Baljinder Singh, Advocate and
 Mr. Jagtar Kureel, Advocate

 Mr. Neeraj Poswal, AAG, Haryana
 assisted by ASI Naresh Kumar.

 Mr. R.K. Girdhar, Advocate for respondent No.3.

JITENDRA CHAUHAN, J. (Oral)

By way of present petition the petitioner has sought the issuance of a writ in the nature of Habeas Corpus for releasing minor son of the petitioner, namely, Umeed from the illegal detention of respondent No.3.

The learned counsel for the petitioner state that after the marriage, respondent No.3 started harassing the petitioner for bringing more dowry. Respondent No.3 and his family members are not properly taking care of the child in question. The minor child aged 3 years requires mother's attention and care.

On the other hand, the learned State counsel states that during the investigation it has come to the notice that the said child is happily residing with his father and other members of parental family.

The learned counsel for respondent No.3 refers to Annexures R-3/1 to R-3/3 and states that custody of the minor child was given to respondent No.3 on the basis of compromise effected between the parties.

I have heard the learned counsel for the parties and carefully perused the entire record on file.

A perusal of Annexures R-3/1 and R-3/3 reveals that the physical custody of the minor child was handed over to respondent No.3 on the basis of compromise and the petitioner herself stated that she will not claim the custody of the child or the visiting rights. Moreover, the allegation of the petitioner that respondent No.3 is not properly looking after the minor child stands falsified by the investigation report. Hence, the present petition is misconceived and is hereby dismissed.

However, considering the fact that the minor child is of 3 years, this Court feels that the petitioner is emotionally attached with the minor child, therefore, the visitation rights be granted to the petitioner in accordance in law, on her moving application in this regard.

16.02.2017

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No