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

+ **W.P.(CRL.) 211/2017**

SOHAN LAL

Through Mr.Sandeep Khatri and
Ms.Prabhkeen Kaur, Advs. Petitioner

versus

STATE

Through Mr.Rahul Mehra, Standing
Counsel, along with Mr.Tushar
Sannu, Adv. for State Respondent

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

% **23.01.2017**

CrI.M.A. No.1308/2017

Exemption allowed.

W.P.(CRL.) 211/2017

1. Issue notice. Mr.Rahul Mehra, Standing Counsel appearing for the State accepts notice.

2. Petitioner has filed the present petition seeking a writ of mandamus for production of his 3 years old child who has been illegally detained by the mother of the child. Learned counsel for the petitioner submits that the marriage between the petitioner and Smt.Asha was performed on 16.01.2013. A son was born out of their wedlock. Counsel also submits that parties decided to part ways and signed an agreement on 03.10.2015.

As per this agreement the custody of the child was handed over to the father i.e. the petitioner herein.

3. Respondent No.4 and the child have been produced in Court on an advance copy being served on the State. We have interacted with the parties separately in the chamber as well. Respondent No.4 submits that she was forced to part ways with the petitioner for various reasons including the fact that he is a drug addict, does not do any work, beats her and demands money from her mother, all of which is denied by the petitioner who submits that although he is a daily wage earner but he has been providing his wife with all the necessary needs.

4. At this stage, counsel for the petitioner wishes to withdraw this petition to enable him to take recourse to such remedy as available in accordance with law.

5. As agreed, any change of address by respondent No.4 will be duly informed to the IO. With these directions the petition is dismissed as not pressed with leave to the petitioner to approach the appropriate court of jurisdiction.

6. We make it clear that we have not expressed any opinion on the merits of the matter.

G.S.SISTANI, J.

VINOD GOEL, J.

JANUARY 23, 2017
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