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

+ W.P.(CRL) 1895/2017

ANIL AGARWAL

Through

versus

STATE OF DELHI & ANR

Through

..... Petitioner

Mr.Pradeep Norula, Adv. with Ms.Urmila Verma, Adv.

..... Respondents

Mr.Rahul Mehra, Standing Counsel (Crl.), GNCTD with Mr.Tushar Sannu, Adv. for the State along with Insp. Prashant Yadav, PS Jagat Puri, in person. Mr.Sahil Munjal, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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07.07.2017

This is a petition under Article 226 of the Constitution of India filed by the petitioner seeking a writ of Habeas Corpus, for production of his three minor children aged 14, 12 and 9 years respectively. It is claimed that the children are being illegally detained by respondent No.2 who is the mother of the children and the wife of the petitioner.

Learned counsel for the State enters appearance on an advance copy. Respondent No.2 is also represented through counsel.

Learned counsel for the petitioner submits that the petitioner is not being allowed to meet his children. Additionally, he submits that respondent No.2 is not in a fit state of mind and cannot look after the three children, which is evident from the fact that she is not sending the children to school. Mr.Norula further contends that a direction be issued for production and custody of the children be handed over to the petitioner.

Learned counsel for respondent No.2, who enters appearance on an advance copy, disputes each and every averment made in the writ petition. He

submits that on account of a marital discord, respondent No.2 is residing with her parents along with the three children and the petitioner is aware of the same. He further submits that the present petition is not maintainable. He further submits that for the sake of convenience, respondent No.2 has decided to admit the children in another School and in fact, one of the children has been admitted to a School and the other two children cannot be admitted as the earlier School under the influence of the petitioner is not granting the Transfer Certificate.

After some hearing in the matter, it is agreed that the petitioner would not press this petition with leave to take recourse to such remedies as available to him in accordance with law. Meanwhile, learned counsel for respondent No.2 submits that the petitioner shall not be prevented from either speaking to the children on telephone, Skype, Whatsapp call or any other mode. The petitioner would also be permitted to meet his children on every Saturday at 5.00 p.m. when he will pick up the children from the house of respondent No.2, interact with them for a period of 1½ hours and handover the custody back to respondent No.2. We expect the parties to act in a mature manner and keep in mind that their conduct would impact the children. Both parties agree that the meetings would be cordial. We make it clear that this is an interim arrangement till the petition to be filed by the petitioner for appropriate relief is not decided. We also make it clear that the Family Court would decide the matter, as and when it is listed, in accordance with law, unaffected by any observations made by us in this order.

The petition is accordingly disposed of.

G.S.SISTANI, J.

REKHA PALLI, J.