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

+ W.P.(CRL) 2002/2017

MUKESH

..... Petitioner

Through Mr. A.S. Juneja, Advocate

versus

THE STATE OF DELHI & ORS

..... Respondents

Through Mr. Rajat Katyal, APP for the State along
with Inspector Shri Krishan, P.S. Aman
Vihar and SI P.L.Meena .

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE CHANDER SHEKHAR

O R D E R

% **18.07.2017**

CrI.M.A.11160/2017 (exemption)

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(CRL) 2002/2017

This is a petition under Article 226 of the Constitution of India filed by the father of a girl, who is barely two years of age, seeking her production. Counsel for the petitioner submits that marriage between the petitioner and the deceased daughter of the respondent no.2 was solemnised on 15.02.2010. Out of the wedlock, one son (aged about 5½ years) and one daughter (aged 02 years) were born. It is further submitted that the wife of the petitioner died on 24.05.2017 after a brief illness. It is submitted that post the death of his wife, child Nidhi is in illegal custody of her maternal grand-father(*nana*). On an advance copy having been served, Murari Lal (respondent no.2) is present in Court with the child Nidhi. Murari Lal submits that he has no objection in handing over the custody of Nidhi to her father. He further submits that he had

offered to hand over the custody of the child to her father, but he wanted the same in writing on a stamp paper. Murari Lal also submits that he and his family be permitted to meet the child and also speak on the phone and whenever he and his family visit the petitioner, they should be allowed to meet the child in a cordial atmosphere. Petitioner undertakes that he has no objection to the same. The petitioner also submits that as far as possible, he will take the child to meet the maternal grand-parents.

Accordingly, the custody of Nidhi is handed over to the father, the petitioner in Court by respondent no.2. We may also note that the matter was taken up in the Chamber when the petitioner, respondent no.2, the child and counsel for the State were present. We noticed that all through the proceedings, the child who was in the lap of respondent no.2 was very eager to join the company of her father.

The petition stands disposed of.

Copy of the order be given Dasti to the parties under the signature of Court Master. Copy of the order shall be provided to the respondent no.2 through the IO.

G.S.SISTANI, J

CHANDER SHEKHAR, J

JULY 18, 2017

pst /
W.P.(CRL) 2002/2017