

\$~43

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

+ W.P.(CRL) 2656/2017

SEEMA DEEVI

..... Petitioner

Through Mr. Kamlesh Kumar Mishra, Mr. Vishal
Kalra and Mr. Lal Babu Lalit, Advocates

versus

COMMISSIONER OF POLICE & ORS.

..... Respondents

Through Mr. Tushar Sannu, Advocate for the State

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

%

14.09.2017

1. That on 12.09.2017, the following order was passed:-

“1. Let this petitioner be registered as a Habeas Corpus Petition. It is taken up on urgent mentioning.

2. The petition complains that a 10 year old daughter of the petitioner is not traceable. Despite the written complaint dated 8th September, 2017, no information regarding her whereabouts is available.

3. We accept the oral request of the petitioner and direct impleadment for her husband-Mr. Pinku Mandal who resides near Filmistan, Karol Bagh, Delhi as party/respondent no.3. Amended memo of parties be filed during the course of the day.

4. Issue notice to the respondents to show cause as to why rule nisi be not issued, returnable on 13th September, 2017.

5. Mr. Rahul Mehra, learned Standing Counsel-Criminal accepts notice for the respondent no.1.

Mr. Sanjoy Ghose, learned ASC accepts notice on behalf of GNCTD.

6. Notice shall issue for the service of respondent no.3-Mr. Pinku Mandal through the SHO, PS Karol Bagh upon filing the process fee by the petitioner, returnable on 13th September, 2017.

W.P.(CRL) 2656/2017

Page 1 of 3

The respondent no.1 shall cause the child to be produced before the Bench seized of the matter on 13th September, 2017.

List this petition on 13th September, 2017 at 2.30 p.m. before the Roster Bench.”

2. On 13.09.2017, Mr. Pinku had appeared along with his minor daughter ‘Anjali’ and the following order was passed:-

“Mr.Pinku Kumar – husband of the petitioner is present in Court along with the minor daughter. We had asked Ms.Puja Kalra, Advocate, who is present in Court in another matter, to mediate in this case. 6 years old son is with the petitioner-wife who is also not going to School, neither the 10 years old daughter, who is with the father, is going to any School.

The husband of the petitioner submits that he will bring his daughter to the Village, where his wife is residing, during Diwali and will get both the children admitted in a private School. He agrees to pay Rs.5,000/- for the maintenance and upkeep of the petitioner and the minor son. He also agrees to allow his daughter to talk to her mother and brother at least once a week and would not obstruct the children or the mother from talking to each other on phone.

As prayed, list the matter on 14.09.2017 when Mr.Pinku Kumar has agreed to bring Rs.5,000/- to hand over the same to the petitioner. Meanwhile, he will also provide his present address and mobile number to the petitioner and the IO of the case.”

3. Today Mr. Pinku Mandal, husband of the petitioner is present in the Court along with his daughter ‘Anjali’. It may be noted that petitioner along with her son and mother in law are residing in a village in Bihar. Mr. Pinku submits that as agreed on the last date of hearing he has handed over a sum of Rs.5000 to the petitioner. He has also agreed to send sum of Rs.4,000/- every month to his wife/petitioner to sustain herself and her children. We may also note that the

petitioner is also looking after the mother of Mr. Pinku while Mr. Pinku is gainfully employed in Delhi.

4. Mr. Pinku also agrees to hand over the custody of his daughter 'Anjali' to his wife. He also states that he will visit his village and make the arrangement for admission of both of his children to a private school.

5. In view of the statement made by Mr. Pinku, counsel for the petitioner submits that no further orders are required to be passed.

6. Mr. Pinku shall remain bound by his statement made in the Court today which may be varied by the appropriate court of jurisdiction.

7. Copy of the order be given *dasti* under the signatures of the Court Master to all the parties.

G.S.SISTANI, J

CHANDER SHEKHAR, J

SEPTEMBER 14, 2017

b