

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24165 of 2017

Arising Out of PS. Case No.- Year- Thana- District- Patna

Shreya Mehrotra, Wife of Apurva Mehrotra, Daughter of Manoj Kapoor, at present Residing at Ganga Babu Ki Theki (Theki House), Near Kali Asthan, Patna City, Police Station- Chowk, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar.
2. Subhash Chandra Mehrotra, Son of Late Harvansh Lal,
3. Smt. Poonam Mehrotra, Wife of Subhash Chandra Mehrotra,
4. Apurva Mehrotra, Son of Subhash Chandra Mehrotra, Opposite parties 2 to 4 are residents of Opposite Sai Temple, Gate No. 3, Prakash City, Bajpur Road, Kashipur, Uttarakhand.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajnandan Kumar

For the Opposite Party/s : Mr. SRI SHYAMESHWAR DAYAL

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 09-02-2018 The present application has been filed for modification of the order dated 30.03.2017, passed in Cr. Misc. No. 39642 of 2016 and 41519 of 2016 to the extent that the petitioner Shreya Mehrotra may be permitted to meet her children on the terms stipulated in the aforementioned order. The husband of the petitioner, Apurva Mehrotra and other family members were granted privilege of anticipatory bail by the aforementioned order with certain conditions. One of such conditions was that the husband of the petitioner, Apurva Mehrotra will regularly appear in the guardianship case, matrimonial suit as well as in the present complaint case. The other condition was that he will



bring the children to Patna during their vacation in the school if the children so desire. Consequently, this Court, vide order dated 04.01.2018, with the consent of the parties, permitted the petitioner, Shreya Mehrotra to meet her children at the residence of opposite party no.4, Apurva Mehrotra on 28.01.2018 in presence of Child Protection Officer, Udham Singh Nagar. The said order was however modified vide order dated 17.01.2018, when with the consent of the parties, the place of meeting was changed from residence of Apurva Mehrotra to the concerned school, where the children are studying.

The report of the District Child Protection Officer, Udham Singh Nagar dated 02.02.2018, kept at flag-'H', reflects that Shreya Mehrotra, the petitioner met with her children cordially and was satisfied with the meeting.

Learned counsel for the petitioner also accepts that the petitioner met with her children cordially, however, it is submitted that the children are not grown up enough to express their desire to come to Patna.

Report of the Additional Principal Judge, Family Court, Patna dated 01.02.2018, kept at flag-'F' reflects that Apurva Mehrotra failed to appear on 17.10.2017, 08.11.2017 and 22.11.2017 in the guardianship case. The last date fixed for



hearing was 04.01.2018.

It is submitted by learned counsel for opposite party no.4, Apurva Mehrotra that opposite party no.4, Apurva Mehrotra appeared on 04.01.2018 and will appear today in the guardianship case.

In the circumstances, the present modification application has virtually become infructuous.

Accordingly, the same is disposed of.

However, it is made clear that henceforth if the petitioner Shreya Mehrotra faces any difficulty in meeting with her children, she will be at liberty to file appropriate application before the learned Additional Principal Judge, Family Court, Patna where Guardianship Case No. 49 of 2016 is pending and the court will consider and decide the issue in accordance with law.

It is expected from the learned Additional Principal Judge, Family Court, Patna to conclude the proceeding of Guardianship Case No. 49 of 2016 expeditiously preferably within a period of six months.

Amrendra/-

(Dinesh Kumar Singh, J)

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