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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 252/2018**

DEEPAK BUDHIRAJA Petitioner

Through: Mr. Rohit R Khera, Adv.

versus

THE STATE & ORS Respondent

Through: Mr. Rahul Mehra, Standing Counsel
with Mr. Chaitanya Gosain, Adv with
Insp. Anant Kiran, PS Sabzi Mandi &
Insp. Sudhir Kumar, PS Shalimarbagh
Mr. Kunal Kalra, Adv for R-4

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

24.01.2018

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Issue notice. Mr. Mehra accepts notice on behalf of the State. The petitioner's wife (respondent no.4) is present in court along with her two children.

A perusal of the present petition shows that there is matrimonial dispute between the petitioner and respondent no.4. Respondent no.4 is now living with her mother. The petitioner by way of this petition seeks the custody of his children. We are afraid we cannot grant any such relief in these proceedings, since the children are in the custody of their natural guardian i.e. the mother. Another aspect raised by the petitioner is that the elder daughter Dhruvika, who is about 10 years of age is not being sent to her school, namely, Sachdeva Public School, Pitampura since 16.12.2017. According to respondent no.4, she could not be sent to school since her school bag, uniform, books and other belongings were lying with the petitioner.

It appears that the said belongings are presently lying at PS Sabzi Mandi. We need not get into the background in which the said belongings reached the said police station. However, on our directions, the said belongings have been produced from the said police station and delivered to respondent no.4 in four separate bags in court today. The police shall prepare an inventory of the said belongings and take acknowledgment from respondent no.4 of the complete inventory.

The petitioner undertakes that he shall continue to pay the school fee in respect of his daughter's education. He is directed to visit the aforesaid school on Monday i.e. 29.01.2018 and to ensure that the entire outstanding fee and other charges are paid including transportation charges, considering that respondent no.4 is now residing with her mother at E-5, Double Storey, Malika Ganj. He also undertakes to continue to pay the school fee and other charges punctually from time to time so that the education of the daughter is not in any way hampered.

It shall be open to the parties to approach the Family Court in respect of all their disputes including in relation to visitation rights, custody, maintenance etc. The custody of the children shall, till orders are passed by a competent court, continue to remain with respondent no.4 and shall not be disturbed by the petitioner.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

P.S.TEJI, J

JANUARY 24, 2018 sr