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

+ **W.P.(CRL) 810/2018**

BABY AHANA SHARMA & ANR Petitioners
Through Mr. Sudhir Nandrajajog, Sr. Advocate
with Mr. Nimish Chib and Ms.
Karishma Thakur, Advocates.
Petitioner No.2 in person .

versus

THE STATE GOVT OF NCT OF DELHI & ORS Respondents
Through Mr. Rahul Mehra, Standing Counsel
with Mr. Prashant and
Ms. Chaitanya Gosain, Advocates.
Mr. Anand Parashar, Adv for R-5 to 7.
Insp. Rajinder Kumar, SI Kamlesh
Kumar, PS Rajinder Nagar.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MR. JUSTICE P.S.TEJI

% **ORDER**
19.03.2018

Crl. M.A. No. 5078/2018 (Exemption)

Exemption is allowed subject to all just exceptions.

Application stands disposed of.

W.P. (Crl.) No. 810/2018 & Crl. M.A. No. 5079/2018

Issue notice. Mr. Mehra accepts notice on behalf of the State.

Mr. Santosh Kumar Sharma, Ms. Rashmi Sharma and Ms. Richa Sharma, respondent No. 5 to 7 are present in court and they accept notice. The petitioner No.1 – infant daughter and husband of Mansi have preferred this petition on the premise that Mansi has gone missing and respondent No. 5 to 7 have detained her. Mansi is present in court with the said respondents. Mr. Mehra has tendered a status report in court, which is taken on record.

We have interacted with the petitioner and Mansi in court. Mansi states that she has left her matrimonial home and gone to her parental home out of her own will and accord on account of matrimonial disputes with the petitioner, and she is not willing to return to cohabit with the petitioner No.2.

The submission of Mr. Nandrajog, learned senior counsel for the petitioner is that the petitioner No.1 is suffering from Erb's Palsy. He submits that she is on medication for the said ailment and two of the medicines can be administered on the infant child only through the breast feed of the mother. He further submits that even if Mansi does not wish to return to her matrimonial home to cohabit with petitioner No.2, she should take the custody of the petitioner No.1 baby Ahana for a period of 3 months, so that the said medication is administered to her.

Mansi is, however, not willing to accept the custody of baby Ahana for any length of time. She does not deny that some medication has to be administered with the breast feed of the mother, which

would require the mother to consume the medicine. She submits that she has allergy to the said medicines and she cannot consume the same.

In view of the aforesaid no further orders can be passed in the present petition. The petition is accordingly disposed of as such.

VIPIN SANGHI, J

P.S. TEJI, J

MARCH 19, 2018

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