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

+ **W.P.(CRL) 904/2018**

SANJEEV SRIVASTAVA

..... Petitioner

Through: Mr. Ankit Kumar, Advocate a/w
petitioner in person

versus

STATE (GOVT OF NCT OF DELHI) & ORS

..... Respondents

Through: Mr. Chaitanya Gosain, Advocate for
Mr. Rahul Mehra, Standing Counsel,
GNCTD with SI Ram Naresh, PS
Amar Colony
Mr. Arvendra Singh and Ms. Reema
Khurana, Advocate for R-6&7

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

16.10.2018

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The mediation between the parties has failed. The petitioner, respondent no.6 and their minor daughter Utkarshini are all present. Utkarshini states that she would spend the day with the petitioner on Sundays to interact with him. However, she is not willing to stay the night at the petitioner's residence.

Keeping in view the firm stand taken by Utkarshini and considering the fact that she is 12 years of age, we are not inclined to direct that she should either return to the petitioner, or stay with the petitioner overnight.

We have already recorded the undertakings of respondent no.6 qua Utkarshini in our orders dated 03.04.2018. Respondent no.6 shall continue to be bound by those undertakings and she shall strictly comply with them.

Utkarshini has been spending time with the petitioner on weekends. The same arrangement shall continue to operate. In case either of the parties initiate any proceeding for custody and visitation rights, it shall be open to the competent court to pass orders on merit, after taking into consideration all relevant aspects and without being influenced one way or another by this order. This order shall merge in the order that may be passed by the competent court.

In case the petitioner pursues the complaint dated 19.03.2018 regarding kidnapping of Utkarshini, the proceedings undertaken in the present petition shall be considered before any precipitative steps are taken by the police.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

I.S.MEHTA, J

OCTOBER 16, 2018

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