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

+ **W.P.(CRL) 1060/2018**

LT.CDR NAVEEN KUMAR CHAUDHARY Petitioner

Through: **Mr. Mahesh Tiwari and Mr. Bishnu Prasad Tiwari, Advocates**

versus

THE STATE (NCT OF DELHI) & ANR Respondents

Through: **Mr. Rajat Katyal, APP for Mr. Rahul Mehra, Standing Counsel (Crl.) with SI Sachin, PS – Vasant Vihar**

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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11.04.2018

CRL.M.A. 6473/2018

Exemption allowed subject to just exceptions.

Application stands disposed of accordingly.

W.P.(CRL) 1060/2018

The petitioner has preferred the present writ petition to seek the writ of habeas corpus for production of his minor son, namely, Mrityunjay Singh Chaudhary, aged 14 years before the Court. He also seeks the direction to respondent No. 2, the estranged wife, to place on record all the information relating to whereabouts of the child and educational details of the minor son of the petitioner namely Mrityunjay Singh Chaudhary. He seeks a restraint against respondent No. 2 from leaving the country alongwith minor son till

the disposal of the proceedings. He also seeks a direction that the custody of the child be handed over to him.

The petitioner and respondent No. 2 got married on 29.03.2004. Out of the said wedlock, the child in question, namely, Mrityunjay Singh Chaudhary was born on 24.12.2004. According to the petitioner, his wife entered into an adulterous relationship with another person in 2008. The petitioner states that since June, 2009, he is separated from his wife and the minor child. The child has been looked after by respondent No. 2 since then. The petitioner has disclosed that some proceedings, including proceedings under Prevention of Domestic Violence Act, 2005, are pending between the parties. The petitioner states that now it is apprehended that respondent No. 2 may migrate to Saudi Arabia with the minor child. Consequently, he has preferred the present petition.

On our query by the Court, learned counsel for petitioner on instructions from the petitioner, who is present in Court, states that the last time the petitioner met the minor child was in 2009. Therefore, it has been nearly 9 years since the petitioner met his son, and he has nothing to show that he ever took any steps for either getting the custody of minor son, or even to meet/visit him. The petitioner is seeking reliefs in the present petition, in the aforesaid background, which he could have sought, and can even now seek before the family court in custody proceedings.

Extraordinary writ jurisdiction of this Court cannot be invoked when the petitioner has had ample time to pursue his statutory remedies and he has failed to do so. In these circumstances, we are not inclined to entertain the

present writ petition.

Dismissed.

VIPIN SANGHI, J

P.S.TEJI, J

APRIL 11, 2018

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