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

+ **W.P.(CRL) 1587/2018**

GAGAN ANANDI

..... Petitioner

Through: Mr. Prabhjit Jauhar and Ms. Upasana
Goel, Advocates

versus

STATE OF DELHI & ANR

..... Respondents

Through: Mr. Chaitanya Gosain, Advocate for
Mr. Rahul Mehra, Standing Counsel,
GNCTD with Inspector Ajay Kumar
Sharma, Addl. SHO/Hari Nagar
Mr. Pradeep Narula, Ms. Urmila
Verma, Advocates for R-2 with R-2
and Child – Aditya

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

% **21.05.2018**

CRL.M.A. 9788/2018 (Exemption)

Exemption allowed subject to just exceptions.

Application stands disposed of accordingly.

W.P.(CRL) 1587/2018

The petitioner has preferred the present writ petition to seek a writ of habeas corpus ordering and directing the respondent No. 2 - Mrs. Rashmi Dutta to produce before this Court the minor child - Aditya and to cause the return of the said child to the jurisdiction of the Court at Sydney, Australia in compliance of the order dated 22.02.2018 passed by the Superior Courts

(Family Court of Australia) in case No. SYC 5033/2015 so that the child could go back to Australia and his custody can be handed over to the petitioner. He also seeks a direction that the requisite travel documents of the minor child be handed over to the petitioner to facilitate the return of the child to Australia.

After some hearing, learned counsel for the petitioner states that without prejudice to his rights and contentions, he would withdraw this petition with the liberty to pursue his rights in the competent Courts.

The petition is thus disposed of without prejudice to his rights, as aforesaid.

Learned counsel for the petitioner submits that the petitioner is arriving from Australia on 08.06.2018 and further submits that the petitioner is keen to meet the minor child who has been with respondent No. 2.

Respondent No. 2, who is present in Court with her counsel, states that she has no objection to the petitioner meeting the minor child while he is in Delhi.

Mr. Jauhar has fairly offered to put to rest the fears and apprehensions of respondent No. 2, that the petitioner shall deposit his passport with the SHO, PS – Hari Nagar after his arrival, and shall collect the passport at the time of his leaving for Australia, to ensure that the child remains with respondent No. 2.

Accordingly, it is agreed between the petitioner and respondent No. 2 that upon his arrival, the petitioner shall deposit his passport with SHO, PS – Hari Nagar. The SHO shall retain the passport and shall ensure that the same is not, in any manner, damaged. The same shall be kept in a sealed cover, and the same shall be returned to the petitioner at the end of his visit so that

he can fly back to Australia. He shall take confirmation from respondent No. 2 about the fact that the child is in her custody at the time of returning the passport.

The petitioner, respondent No. 2 and the minor child shall meet at the Pacific Mall, Subhash Nagar during the period of the petitioner's visit from 09.06.2018 to 13.06.2018 during the lunch time i.e. from 1.00 PM to 4.00 PM. The petitioner and respondent No. 2 shall ensure that the atmosphere is kept cordial so that the child is not in any way disturbed. During such meetings, the petitioner and respondent No. 2 may bring their respective parents.

Copy of this order be given *dasti* under the signatures of the Court Master.

Petition stands disposed of accordingly.

VIPIN SANGHI, J

P.S.TEJI, J

MAY 21, 2018

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