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

+ **W.P.(CRL) 2406/2018**

BHUDEV SINGH

..... Petitioner

Through: Mr. Rajiv Bajaj with Ms. Sagrika
Wadhwa, Advocates

versus

STATE GOVT NCT OF DELHI & ORS

..... Respondents

Through: Mr. Rahul Mehra, Standing Counsel,
GNCTD with Mr. Chaitanya Gosain
and Mr. Tushar Sannu, Advocates.
Inspector Rajesh Kumar Jha, PS New
Ashok Nagar
Mr. Vinod Bhardwaj with Mr. Rahul
Sharma, Advocates for respondent
Nos.3 and 4.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

14.08.2018

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CRL.M.A.29957/2018

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(CRL) 2406/2018

Issue notice. Mr. Rahul Mehra, learned standing counsel for State
accepts notice.

The petitioner has preferred the present writ petition to seek a writ of

habeas corpus for production of Master Akshit, and to seek the custody of the said minor child. The petitioner is the maternal grandfather of Master Akshit. The daughter of the petitioner, who was married to Raj Kumar died of poison. On the complaint of the petitioner, FIR No.372/2018 under Sections 498A, 304B/34 IPC stands registered at PS- New Ashok Nagar on 24.07.2018. Sh. Raj Kumar has been taken into custody. The other two accused persons namely, Har Pal Singh and Taramati, the parents of Raj Kumar who are other accused in the case are absconding. The sister in law of the deceased (nanad) is on anticipatory bail. The petitioner has alleged in the writ petition that the minor child Akshit is in custody of respondent Nos.3 and 4. Today the minor child has been produced before the Court and he is stated to be in the custody of the brother of Raj Kumar– Narender Kumar, and sister– Sangeeta, who are looking after him.

We had asked the maternal grandmother of the child, and the other family members of the petitioner to remain present. Similarly we asked Narender Kumar and his family members to remain present in Court with the minor child– Akshit.

We have interacted with some of the family members in the chamber along with the minor child. We are not inclined to disturb the *status quo* prevailing, at present, in relation to the custody of the minor child looking to his age and circumstances.

However, we direct that, in case, custody proceedings are initiated by the petitioner before the Competent Court, the concerned Family Court shall deal with the same with utmost expedition and we hope that, at least, the interim– custody aspects are considered and decided within 6 months of the filing of any such petition and the aspect of custody is determined within a

year thereafter at the most.

We are also of the view that the petitioner and his side of the family should be in a position to meet the minor child and interact with him on a regular basis so that they are satisfied about his well being and growth till the matter is determined by the Competent Court in custody proceedings.

We therefore direct Narender Kumar and Sangeeta to bring the minor child– Akshit to the Children’s Room at the Delhi High Court Mediation Centre on every Saturday at 11.00A.M. The parties are directed to ensure that decorum and peace is maintained in the meetings and the child is not exposed to any unpleasant acrimony. This arrangement shall continue unless it is modified by the Competent Court dealing with the custody proceedings, if any.

The petition stands disposed of in the aforesaid terms.

Order Dasti under the signatures of the Court Master.

VIPIN SANGHI, J

I.S.MEHTA, J

AUGUST 14, 2018

N.Khanna