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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered On : 09.12.2019

W.P.(CRL.)3325/2019 & CRL.M.A.41336/2019

HIMANTIKA BHARGWA

..... Petitioner

Versus

THE STATE OF NCT OF DELHI & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. C.M. Grover, Advocate along with Petitioner-in-person

For the Respondents : Mr. Chaitanya Gosain, Advocate for Mr. Rahul Mehra, Standing Counsel (Criminal) with SI Ramesh Kumar, PS- Mundka for R-1 & R-2
Mr. Gaurav Sharma, Advocate for R-3 to R-6

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE I.S. MEHTA

J U D G M E N T

SIDDHARTH MRIDUL, J (ORAL)

1. The present writ petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr.P.C.') has been instituted on behalf of Ms. Himantika Bhargwa, the estranged wife of Dr. Girdhari Lal Saini, respondent No.3 herein, seeking custody of Master Bhaumik, 1 year old son of the parties.

2. Learned counsel appearing on behalf of the parties, on instructions from the latter, who are present in person, states that they have arrived at a compromise qua the custody of Master Bhaumik in the interim; till they approach the court of competent jurisdiction, in this behalf.

3. The custody of Master Bhaumik, has been handed over to Ms. Himantika Bhargwa by Dr. Girdhari Lal Saini, in Court today. It is agreed by and between the parties that Dr. Girdhari Lal Saini, the father, is entitled to visit Master Bhaumik every Sunday between 10:00 a.m. to 06:00 p.m. It is also agreed between the parties that Dr. Girdhari Lal Saini, the father of Master Bhaumik, shall pick up the latter from Gate No.1, Rajbagh Metro Station, Sahibabad, Uttar Pradesh and return him to Ms. Himantika Bhargwa, the mother at the same location. It is further agreed between the parties that the present consent order shall operate till it is modified or varied, in accordance with law, by the Court of competent jurisdiction, on a proceeding that may be instituted by either one of them, in this behalf.

4. Directed accordingly.

5. With the above directions, the present habeas corpus petition is disposed of leaving the parties to comply with their reciprocal obligations without demur. The pending application also stands disposed of.

6. Needless to state that we have not expressed any opinion on the merits of the case.

7. A copy of this order be given *dasti* under the signature of Court Master to counsel for the parties.

**SIDDHARTH MRIDUL
(JUDGE)**

**I.S. MEHTA
(JUDGE)**

DECEMBER 09, 2019
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सत्यमेव जयते