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

+ **W.P.(CRL) 499/2018**

SONAM KAPOOR & ANR

..... Petitioners

Represented by: **Mr.Himanshu Bajaj, Advocate**

versus

THE STATE (GOVT.NCT OF DELHI)& ORS Respondents

Represented by: **Mr.Sanjay Lao, ASC for the State
with SI Kishor Prasad, PS Greater
Kailash and SI Amit Solanki, PS
Vasant Vihar
Ms.Malavika Rajkotia, Ms.Kanika
Sondhi, Mr.Tushar Aggarwal and
Ms.Akriti Tyagi, Advocates for R-4
and R-5**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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31.01.2019

1. The prayer in the present petition is:-

“1. Pass an order or direction in the nature of mandamus commanding the respondent Nos.2, and 3 to provide police protection to the petitioners against any attack, assault or any act of causing physical and mental injuries by or on behalf of respondent Nos.4 and 5 and also from their known/unknown agents and their relatives.

2. Pass any other such order(s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of this case.”

2. When the matter came up before this Court on 16th February, 2018 as an ex-parte order, this Court passed the following directions:-

“Petitioner no.1 is the mother and natural guardian of petitioner no.2 (who is stated to be a minor aged 4 years). They are suffering threats and coercive action qua respondent nos.4 and 5. Respondent no.4 is the husband of petitioner no.1. The parties had been married but now they have estranged relations and are living separately. Petitioner no.1 fears that her minor child might be threatened and taken away from the lawful guardianship by respondent no.4. This apprehension is especially acute at the time when petitioner no.2 goes to her nursery school.

Learned counsels for the respondents have put in appearance. Learned counsel for the State shall ensure that adequate police protection shall be afforded to the petitioners at their residential address i.e. E-6/9, Vasant Vihar, New Delhi and the SHO and the beat constable shall be sensitized and their mobile number shall be given to the petitioners so that in case of urgency or emergency they can contact them. Needless to state that adequate police aid be afforded to the petitioners.

The principle of the school (Ardee School, Khan Market, New Delhi) where the child/petitioner no.2 is studying will also ensure that the custody of the child is not handed over to any other person other than the mother (who had admitted the child in the school). This order shall operate as an interim measure till next date.

Let petitioner no.1, respondent nos.4 and 5 appear in person on the next date.

List on 08.3.2018.

Order dasti under signatures of the Court Master.”

3. An application was filed by respondent No.4 thereafter being CrI.M.A.No.33368/2018 seeking dismissal of the petition and also clarification of the order dated 16th February, 2018. The applications of respondent No.4 were dismissed by this Court on 1st October, 2018, the operative portion whereof reads as under:-

“3. Respondent No.4, who is the husband of petitioner No.1 can have no objection to the petitioners being granted protection by this Court. Secondly, to ensure the safety of the petitioner No. 2, herein, direction to the school not to hand over the custody of the child, petitioner No.2 herein, to any other person other than the mother who had admitted the child in the school cannot be said to be unwarranted or baseless.

4. Learned counsel for respondent No.4 states that respondent No.4 is not being permitted to meet the child in the school. Respondent No.4 has already availed his remedy of seeking custody before the Guardian Court which will pass appropriate orders in this regard.

5. This Court finds no error in the interim order passed on 16th February, 2018. Both the applications are dismissed.

6. However, any observation made by this Court hereinabove or in the interim orders passed by this Court on 16th February, 2018 will have no bearing on the interim orders of custody and visiting rights to be passed by the learned Guardian Court in favour of the parties.”

4. The parties have levelled several insinuations against each other however adjudication is not the scope thereon before this Court and the

limited prayer in the present petition being of police protection as noted above, learned counsel for respondent Nos.4 and 5 fairly states that there is no objection to the said prayer being granted for the reason the same is in the interest of respondent Nos.4 and 5 as the same would regulate the conduct of petitioner No.1 and her family members as well.

5. Considering the apprehension of the petitioners and the concession of respondent Nos.4 and 5, the interim order dated 16th February, 2018 passed by this Court is made absolute subject to any further order passed by the Guardianship Court which Court would pass orders keeping in view the facts and circumstances of the case de hors any observation of this Court.

6. Petition is disposed of.

MUKTA GUPTA, J.

JANUARY 31, 2019

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