

\$~8

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

+ W.P.(CRL) 3418/2019

GULAFSHAH

..... Petitioner

Through: Mr. Gunjan Singh and Ms. Pragya
Ganjoo, Advocates.

versus

STATE & ORS.

..... Respondents

Through: Mr. Ashish Dutta, APP for State for
Mr. Rahul Mehra, Standing Counsel
(Criminal) for GNCTD and SI
Manish, PS- Jamia Nagar.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

% **14.01.2020**

Ms. Gulafshah, the petitioner, appears before this Court along with her daughters Aleena and Aliya, aged 7 and 5 years respectively. It is evident that the children are happy and secure in the care and custody of their mother.

There is no gainsaying the legal position that the mother is the natural guardian of her minor children, particularly, in the absence of the father, who is stated to have passed away.

The paternal uncles of minor girls cannot normally assert a right over their custody, in opposition to the right accorded by law to the biological mother. Further, a perusal of the status report dated 14th January, 2020, authored by Inspector Upender Singh, SHO, PS- Jamia Nagar, which has been placed on

record today, clearly reflects that Ms. Gulafshah is taking requisite care of her minor daughters.

In view of the foregoing, it is observed that the well-being and welfare of the minor girls is in the safe and loving hands of their mother.

The Habeas Corpus petition is accordingly allowed, directing that the minor girls, Aleena and Aliya, remain in the custody of Ms. Gulafshah, their mother- the petitioner herein. Needless to say that, the paternal uncles are at liberty to initiate appropriate proceedings, in relation to the visitation rights *qua* their nieces, if so advised, in accordance with law.

No further directions are called for.

With the above directions, the above petition is disposed of.

However, the Child Welfare Committee, Kalkaji, is directed to place on record, the report, as earlier directed vide order dated 30th December, 2019.

SIDDHARTH MRIDUL, J

I.S.MEHTA, J

JANUARY 14, 2020

vp