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

+ W.P.(CRL) 182/2020

SHALINI

..... Petitioner

Through Mr.Sunil Kumar, Advocate
(DHCLSC) with petitioner in person.

versus

STATE & ANR

..... Respondents

Through Mr.Chatainya Gosain, Advocate for
the State with Inspectro Gyanender
Rana, SI Gajender Kumar, PS
Chhawla, Delhi.
Respondent no.2 in person.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

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22.01.2020

Crl.M.A.No.1339/2020

Exemption allowed, subject to all just exceptions.

Accordingly, the application stands disposed of.

W.P.(Crl.) No.182/2020

Present writ of habeas Corpus has been filed by petitioner-mother seeking production of her minor son-Master Divyanshu, aged about 11 years, who is alleged to have been taken by his father-respondent no. 2 on

13th October, 2019, contrary to the consensual settlement dated 19th April, 2018, which had been recorded in the order dated 12th December, 2018 passed by the Judge, Family Courts, Dwarka in HMA No.3258/2018.

It is averred in the petition that the petitioner-mother has permanent custody of both her sons including Master Divyanshu and father-respondent no. 2 has visitation rights in accordance with the settlement dated 19th April, 2018.

It is further averred that on 13th October, 2019, after the visitation hours were over, father-respondent no. 2 did not drop back the children and instead took them to Police Station Chhawla Najafgarh and when the petitioner reached the police station, father-respondent no. 2 refused to hand over the custody and took Master Divyanshu away with him.

Today respondent no.2 is personally present in Court along with Master Divyanshu. We have explained to the parties that till the consensual settlement and/or order passed by the Judge, Family Courts, Dwarka is in subsistence, the parties will have to abide by the said order.

Consequently, Master Divyanshu is directed to be handed back to the petitioner-mother forthwith. In the event, respondent no. 2 wishes to seek variation of the consensual settlement and/or order passed by the Judge, Family Courts, Dwarka, it shall be open to him to file an appropriate application, which shall be considered by the Family Court, expeditiously, in accordance with law.

Till the order dated 12th December, 2018 passed by the Judge, Family Courts, Dwarka is varied, the parties and the local police shall ensure that the orders in subsistence are complied with.

Accordingly, the present criminal writ petition stands disposed of.

Order *dasti* under the signature of the Court Master.

MANMOHAN, J

SANGITA DHINGRA SEHGAL, J

JANUARY 22, 2020
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