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

+ **W.P.(CRL) 193/2020**

SH. TARANDEEP SINGH

..... Petitioner

Through: Mr. Saurabh Soni and Mr. Rajiv
Bajaj, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Rahul Mehra, Standing Counsel
(Criminal) with Mr. Chaitanya
Gosain, Advocate for GNCTD and
Inspector Deepak Malik, PS- Maurya
Enclave.

Mr. Anil Soni. CGSC with Mr.
Devesh Dubey and Mr. Abhishek
Khanna, G.P. for R-1.

Mr. Nitin K. Gupta and Mr. Vijay. K.
Dhar, Advocates for R-3 and R-4.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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24.01.2020

The present petition under Article 226 of the Constitution of India has
been instituted by the petitioner seeking the following relief:

*“Issue a Writ of Habeas Corpus or any other Writ or direction in
nature thereof directing the Respondents to produce the minor son
of the Petitioner, namely Master Tejasveer Singh in body before
this Hon’ble Court enabling the Petitioner to meet him being his
biological father and natural guardian and also parents of the
petitioner;*

Issue appropriate order or direction to disclose the location and present whereabouts of the minor son Master Tejasveer Singh of Petitioner.

Pass any other or further orders as may deem fit and proper in the facts and circumstances of the case and in the interest of justice.”

It is an admitted position that, subsequent to the institution of the petition, the petitioner has met his estranged wife, respondent No. 3, as well as, the four year old minor son of the parties, at the latter's residence at 429, Block S.D, Tower Apartment, Pitampura, Delhi.

It is further an admitted position that the parties are before the Delhi High Court Mediation and Conciliation Centre, at the pre-litigation stage and the mediation is listed for further conciliation session on 30th January, 2020 at 2:30 p.m.

Learned counsel appearing on behalf of the petitioner has made a two-fold prayer; firstly that the custody of the minor son of the parties be handed over to him forthwith, in pursuance to the interim agreement dated 17th January, 2020 made between the parties with the aid and intervention of the Delhi High Court Mediation and Conciliation Centre; and secondly, the wife of the petitioner be bound down to appear before the mediator and conciliator on the date fixed for the conciliation.

Having heard learned counsel for the parties, we are of the view that in so far as the prayer for Habeas Corpus is concerned, it has attained a logical conclusion, since the petitioner has already interacted with his estranged wife and son at the latter's residence and ascertained their welfare. Insofar as the interim conciliation agreement is concerned, by its very definition it isn't final and it does not yet have the imprimatur of the Court of competent

jurisdiction, so as to be capable of being specifically enforced at this juncture in these proceedings.

Having said that, it is always open to the parties to arrive at a final arrangement and resolve their matrimonial discord with the aid of the Delhi High Court Mediation and Conciliation Centre. Thus the prayer for grant of interim custody of the minor child to the petitioner, at the stage of pre-litigation conciliation is untenable and unfounded.

Learned counsel appearing on behalf of the estranged wife has on instructions stated that the latter will appear along with the minor son of the parties before the Delhi High Court Mediation and Conciliation Centre on the date fixed for conciliation i.e. 30th January, 2020 at 2:30 p.m.

The undertaking furnished by the learned counsel appearing on behalf of the respondent No. 3, on instructions from the latter, is hereby accepted directing her to comply therewith without demur.

No further directions are called for in the present petition and the same is accordingly disposed of.

SIDDHARTH MRIDUL, J

I.S.MEHTA, J

JANUARY 24, 2020/vp