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IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 11.06.2020

W.P.(CRL) 908/2020

MUSKAN SHEKH

.....Petitioner

Through: Mr. Pankaj Kumar, Advocate

versus

STATE & ORS.

.....Respondents

Through: Mr. Chaitanya Gosain,
Advocate for State

Advocates who appeared in this case:

For the Petitioner : Mr. Pankaj Kumar, Advocate

For the Respondents : Mr. Chaitanya Gosain, Advocate

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE TALWANT SINGH

JUDGMENT

SIDDHARTH MRIDUL, J. (via Video Conferencing)

The present matter has been taken-up for hearing by way of Video-Conferencing on account of COVID-19.

1. The present habeas corpus petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal

Procedure, 1973 has been instituted on behalf of the petitioner, praying as follows:

- “(i) A writ of *habeas corpus* or any other writ, order or directions thereby directing the respondents to immediately produce the petitioner’s 6 months old child/son Daniyal before the Hon’ble Court in order to know as to why and under what powers he has been confined by the respondent No. 4 and being deprived care and support of her mother/petitioner and thereafter, hand over the custody of Daniyal to the petitioner;
- (ii) any other or further orders, as this Hon’ble Court may deem fit and proper on the facts and circumstances of the case may also be passed in the interest of justice.”

2. The facts briefly adumbrated for disposal of the present petition are as under:-

- (i) That the petitioner Muskan Shekh is the wife of respondent No.4 Shahrukh *alias* Rais Khan. The marriage between the parties was solemnized according to Islamic customs and rites on 02.03.2019 in Meerut, Uttar Pradesh.
- i. (ii) On 30.05.2020, respondent No. 4, the husband of the petitioner herein, did not allow the petitioner to enter her matrimonial home situated at House No. 35, Peer Wali Gali, Shakur Nagar, Meerut (U.P.) and despite repeated requests and entreating of latter,

respondent/husband did not allow her to take her 6 months old son, who is still breast-fed by the petitioner/mother.

(iii) Subsequent thereupon, the petitioner went to Police Station Brahmpuri, Meerut and, requested the Police to help her rescue the infant child and to take legal action against the respondent No. 4/husband.

(iv) Deprived of any help from Police Station-Brahmpuri, Meerut, distressed petitioner/mother reached her parental home at Mangolpuri, Delhi and, immediately without further ado filed a written complaint at Police Station Mangolpuri, Delhi on 30.05.2020 itself thereby informing the police about the whole incident and, requesting them to rescue and recover her infant son and, handover him to the petitioner/mother and, also to take action against the respondent No. 4 and his family members.

3. In the interregnum, the petitioner had preferred the present habeas corpus petition seeking restoration of care and custody of her minor six months old son, to the former.

4. It is, in this behalf, and backdrop that Mr. Pankaj Kumar, learned counsel appearing on behalf of the petitioner states that, subsequent upon the institution of the present habeas corpus petition, her minor son aged six months old, has been restored to her care and custody by the Police Station Mangolpuri, Delhi, last evening.

5. Learned counsel appearing on behalf of the petitioner seeks leave to withdraw this petition, in view of the development and circumstance that, the relief prayed for in the petition has been satisfied.

6. Leave granted.

7. The present petition is disposed of having become infructuous and disposed of accordingly.

8. A copy of this judgment be uploaded on the website of this Court forthwith.

SIDDHARTH MRIDUL
(JUDGE)

TALWANT SINGH
(JUDGE)

JUNE 11, 2020

dn/as