

\$~3.

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

+ **W.P.(CRL) 1188/2020**

DEEPAK N PRASAD Petitioner

Through: Ms. Neha Garg, Advocate.

versus

COMMISSIONER OF POLICE & ORS. Respondents

Through: Mr. Chaitanya Gosain, Advocate for
the respondents No.1 & 2/ State.
SI Ashok Kumar from PS-Sagarapur
with Ms. Lalita Devi (wife of the
petitioner) and Master Kartik (son of
the parties).

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

%

06.08.2020

CRL.M.A. 10489/2020

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(CRL) 1188/2020

3. Issue notice. Mr. Gosain accepts notice on behalf of Mr. Rahul Mehra, learned Standing Counsel for respondents No.1 & 2/ State.
4. The petitioner has preferred the present writ petition to seek a writ of

Habeas Corpus for production of his wife, namely Ms. Lalita Devi and his minor son Master Kartik – who went missing on 09.07.2020. On 10.07.2020, the petitioner lodged a General Diary No.009A. The petitioner states that on 13.07.2020, he received call from his minor son Kartik. The particulars of the said call were provided to the police and it transpired that the said call was made from Rewari (Haryana). Since the wife and minor son of the petitioner have not returned, this petition has been preferred.

5. The State has filed a status report. As per the status report, the statement of the petitioner's wife has been recorded. She has stated that she left her matrimonial home and she is residing of her own free will with Ms. Komal Kataria (respondent No.3). Statement of Ms. Komal Kataria has also been recorded to the same effect.

6. During the present hearing, Ms. Lalita Devi (the petitioner's wife), as well as Master Kartik (son of the parties), have been produced through video-conferencing by S.I. Ashok Kumar, PS – Sagarpur. We have also interacted with Ms. Lalita Devi and Kartik independently. The petitioner's wife states that she does not wish to return to the petitioner as she is residing with Ms. Komal Kataria in a live-in-relationship. The minor child Kartik is 8 years old. He wishes to continue to reside with his mother, and he has not been harmed by Ms. Komal Kataria, or anybody else.

7. In the light of the aforesaid, since the minor child of the petitioner is with his mother, and he does not wish to return to the petitioner, no further directions can be issued in the present petition.

8. Learned counsel for the petitioner states that the petitioner may be

provided the postal address of Ms. Komal Kataria (respondent No.3) – where his wife and the minor son are residing, so that he can take appropriate legal action for divorce/ custody, etc. SI Ashok Kumar, PS-Sagarpur is directed to provide the complete postal address of Ms.Komal Kataria (respondent No.3) to the petitioner during the course of the day.

9. The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

AUGUST 06, 2020

B.S. Rohella