

\$~6

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

+ W.P.(CRL.) 1236/2020

SUDHIR BAKSHI

.... Petitioner

Through: Mr. Vikram Kushwaha and
Mr. Roopenshu Pratap Singh,
Advocates along with petitioner in
person

versus

STATE OF NCT DELHI & ANR.

.... Respondents

Through: Mr. Chaitanya Gosain, Advocate for
Mr. Rahul Mehra, Standing Counsel
(Criminal) for the State
SI Mehrab Alam, P.S. Dwarka South
Mr. Prasenjit and Mr. Upmanya
Tiwari, Advocates for respondent
No.2 along with respondent No.2 in
person with Baby Gauri.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

HON'BLE MR. JUSTICE BRIJESH SETHI

ORDER

% **24.08.2020**

1. The hearing has been conducted through video conference.
2. The petitioner is seeking the production of his minor daughter Gauri aged about 11 years and for her immediate return to Aryan School at Dehradun where she was enrolled.
3. The petitioner was married to respondent No.2 on 03rd

September, 2000 and they stayed together till 19th June, 2020. The parties have two children, namely, Master Vedant aged about 18 years and Baby Gauri aged about 11 years.

4. The petitioner as well as respondent No.2 are present along with their respective counsels before this Court through video conference and this Court has interacted with them.

5. Respondent No.2 has also produced the minor daughter Gauri and this Court has also interacted with her.

6. Respondent No.2 submits that she left the petitioner's home on 19th June, 2020 along with her daughter and she is staying in Mumbai with her parents. She further submits that she has admitted Gauri to New Horizon Public School at Navi Mumbai and she will take care of the education of Gauri.

7. The petitioner submits that his daughter Gauri wants to study at the Aryan School at Dehradun and this Court should enquire the same from her. At this stage, this Court asked Gauri as to whether she wants to study at Aryan School, Dehradun or at Navi Mumbai to which Gauri responded that she wants to stay with respondent No.2 and study in Mumbai.

8. The petitioner submits that he is still ready and willing to live with respondent No.2 and the two children whereas respondent No.2 appears to be adamant that it is not possible to stay with the petitioner anymore.

9. This Court is of the view that this habeas corpus petition is not maintainable and the petitioner has to avail remedies before appropriate forum in accordance with law.

10. This petition is therefore disposed of with liberty to the petitioner to avail appropriate legal remedies with respect to her daughter in accordance with law.

11. List before Delhi High Court Mediation and Conciliation Centre on 31st August, 2020 at 03.00 P.M. when both the parties shall attend the proceedings through video conference.

12. List for reporting outcome of the mediation on 03rd November, 2020.

13. Copy of this order be sent to Mediation Centre through *e-mail*.

14. The order be uploaded on the website of this Court forthwith.

J.R. MIDHA, J.

BRIJESH SETHI, J.

AUGUST 24, 2020

dk