

#S-3

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On : 05.01.2021

W.P.(CRL) 1944/2020

SHELLY KAUR

..... Petitioner

versus

THE STATE (NCT OF DELHI) & ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Avdhesh Kaushik, Advocate along with the petitioner Ms. Shelly Kaur

For the Respondents : Mr. Rahul Mehra, Standing Counsel (Criminal) along with Mr. Chaitanya Gosain, Advocate and Inspector Manoj Bhatia, PS-Paschim Vihar for R-1 & R-2
Mr. Balvant Singh, R-3 in person.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

J U D G M E N T

SIDDHARTH MRIDUL, J (Open Court - via Video Conferencing)

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

Criminal Procedure, 1973 instituted on behalf of the petitioner

prays as follows : -

“In view of the above facts and circumstances, it is most respectfully prayed that this Hon’ble Court may graciously be pleased to issue: -

- (i) A writ of *Habeas Corpus* or any other writ, order or directions thereby directing the respondents to immediately produce the petitioner’s two minor daughters namely (i) Baby Preet (DoB: 16.01.2018) and Baby Harkeerat (DoB: 26.09.2013) before the Hon’ble Court in order to know as to why and under what powers and authorities the children have been removed from the petitioner’s lawful custody and have been shifted from their known place of stay to some unknown place and thereafter, hand over the custody of the petitioner’s two daughters 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. All’s well that ends well.

3. We are informed by Mr. Avadh Kaushik, learned counsel appearing on behalf of the petitioner Mrs. Shelly Kaur that in terms of Settlement Agreement dated 21.12.2020 the estranged couple has re-united and is living together as a family along with their two minor girls Baby Harkirat Kaur and Baby Preet Kaur, aged about 7 years and 2-1/2 years respectively, at their matrimonial home i.e. at c/o Shri Jagbir Singh, RZC-297, Nihal

Vihar, Nangloi, Delhi-110 041. The terms and conditions of the Settlement Agreement dated 21.12.2020 are extracted below for the sake of record :

- (i) That both the parties shall live and reside together as husband and wife in the matrimonial Home along with their children. The second party/husband will take the first party/wife to the matrimonial home today.
- (ii) That both the parties to this settlement shall live peacefully and shall maintain congenial atmosphere at home and shall treat each other with love and respect and look after the house and discharge their respective social, economic and moral duties qua each other and their children.
- (iii) That no party shall use abusive language against each other or against each other's parents/relatives and they shall not fight with each other.
- (iv) That the parents/relatives of both the parties shall not interfere unduly in day-to-day life of the parties. However, both the parties shall give due respect to parents/relatives of each other.
- (v) That both the parties shall withdraw their respective complaints/court cases whatsoever filed against each other and their family members/relatives, if any, from the concerned Police Station/ Court/Authority.
- (vi) That neither party shall leave the company of other party without informing the other party.
- (vii) That the children shall remain in the joint custody of both the parties to this agreement and no child will be removed from the joint custody of the parties without permission of the other party.
- (viii) That by signing this settlement, the parties hereto state that they have no further disputes with each other with respect to the present Writ Petition being W.P. (CrI.) 1944/2011 and all the disputes and differences in this regard have been amicably settled by the parties hereto during the process of mediation.

- (ix) That the contents of the settlement agreement have been read over to all the parties in vernacular and all the parties have agreed to and understood the same.
- (x) The parties agree that they have arrived at the present Settlement Agreement with their own free will and desire and without any pressure, fraud, force, coercion or undue influence by either of the parties and they undertake to be bound by the terms thereof. The parties agree that the statements/commitments made by them in the present Settlement Agreement shall be treated as their undertakings to the Hon'ble Court and in case of any violation of the terms of the present agreement they shall be held liable for Contempt of Court.
- (xi) The Parties undertake that they are bound by this Settlement Agreement and further undertake to abide by the terms and conditions set out in the agreement and not to dispute the same hereinafter in future either themselves or through any third Party.
- (xii) The parties agree that they shall appear before the Hon'ble Court during the virtual hearing to make their statements in terms of the present settlement agreement.

4. The petitioner Mrs. Shelly Kaur and respondent No. 3 Mr. Balwant Singh, the estranged couple, are present in Court today *via* video-conferencing and have been duly identified by Mr. Avadh Kaushik, learned counsel appearing on behalf of the petitioner. The parties shall be bound by and are directed to abide the terms of Settlement Agreement dated 21.12.2020 without demur.

5. In view of the foregoing, Mr. Avadh Kaushik, learned counsel appearing on behalf of the petitioner, has instructions, not to prosecute the present petition any further.
6. The petition is disposed of accordingly.
7. A copy of this judgment be provided to learned counsel appearing on behalf of the parties electronically and be also uploaded on the website of this Court.

**SIDDHARTH MRIDUL
JUDGE**

**ANUP JAIRAM BHAMBHANI
JUDGE**

JANUARY 05, 2021/dn

[Click here to check corrigendum, if any](#)