

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**106**

**CRWP-8024-2022**

**Date of Decision : 04.11.2022**

Naresh Kumar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present : SI Meena, Police Station Sector-65, Gurugram.

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**ASHOK KUMAR VERMA, J. (ORAL)**

The petitioner has filed the present petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of habeas corpus as respondents No.4 and 5 have forcibly kidnapped the minor child of petitioner namely Master Harshit, aged about 9 years and respondents No.2 and 3 have not taken any step to get the detainee released from the illegal custody of respondents No.4 and 5.

Status report by way of an affidavit dated 31.10.2022 of Sh. Sanjeev Kumar, HPS, Assistant Commissioner of Police, Sadar, Gurugram, on behalf of respondents No.1 to 3, has been filed in the Court today which is taken on record.

As per the above-said report, statement of Smt. Krishna wife of the petitioner, was recorded wherein she stated that her husband is a brutal person and he has harassed her a lot. Due to which she is residing in Gurugram since the year 2020 with her younger son Harshit. She further stated that the petitioner wants to kill her as well as her son Harshit. In this regard she has also got registered FIR No.397 dated

05.06.2021 at Police Station Shivaji Nagar, Gurugram and FIR No.598 dated 14.09.2021 at Police Station Sector-10, Gurugram. In both the FIRs the trial is going on. She has also filed a case for maintenance in the Family Court, Gurugram against the petitioner. She is living with her son on her own will and her son Harshit has not been kidnapped. The petitioner (her husband) misguiding the Court as well as the Police. On being asked, the minor Harshit told that he wants to live with his mother Smt. Krishna. It is further stated in the status report that minor Harshit is not in the possession of respondents No.4 and 5 and residing with his mother Smt. Krishna. The allegations levelled against the police by the petitioner in the present petition are false and baseless.

In view of the above-said status report, I am convinced that the present petition is nothing but sheer abuse of process of law and no direction is required to be given in the present petition.

Dismissed.

(ASHOK KUMAR VERMA)  
JUDGE

04.11.2022  
Kothiyal

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |