



#S-60

NEUTRAL CITATION NO: 2022/DHC/003126

IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Delivered On: 18.08.2022

W.P.(CRL) 1710/2022 & CRL. M.A. 14921/2022 (for interim orders/directions)

SH. RAM LAL MALHOTRA & ANR. Petitioners

versus

UNION OF INDIA & ORS. Respondents

Advocates who appeared in this case:

For the petitioners : Mr. S.S. Jain and Ms. Veena Rupana, Advocates along with petitioners and sister of Mr. Amit Malhotra.
For the respondents : Mr. Sanjay Lao, Standing Counsel (Criminal) along with Mr. Karanjeet Rai Sharma, Advocate for the State along with W/ASI Poonam and S.I. Sunny, P.S.: Roop Nagar, Delhi.
Ms. Pratima N. Lakra, CGSC.
Dr. Archi Bhatia, respondent No. 5 in-person.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE AMIT SHARMA

J U D G M E N T

SIDDHARTH MRIDUL, J. (OPEN COURT)

1. The present petition under Article 226 of the Constitution of India, has been instituted on behalf of the petitioners, praying as follows:-

“It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to exercise its *paren patriae* jurisdiction in the peculiar facts of the present case and may kindly be pleased to:

a) issue a writ/order direction in the nature of Habeas Corpus directing the respondents to produce the Dr. Amit Malhotra (Cardiologist)



son of petitioners as injured, victim from the custody of his wife respondent no.5, before this Hon'ble Court; and

- b) to get immediate best medical examination in respect of existing condition of Dr. Amit Malhotra as on date, treatment thereof through specialist doctors of AIIMS or of any other best hospitals, for speedy recovery from his all subsisting mental, physical infirmities, disabilities, ailments, injuries and effects thereof etc.; and
- c) the petitioners/natural biological parents of their only son Dr. Amit Malhotra, be appointed as his legal guardian/of his custody, till he recover from his mental and physical disability, infirmities, injuries and effects thereof and able to take his own cogent decision in respect thereto, independently without influence of any person including petitioners, his wife respondent no.5 and in the mean time allow to take his full care in respect of his health in all respect, and
- d) the parents, siblings, relatives, friends, colleagues of Dr. Amit Malhotra be allowed to meet him regularly everyday with sufficient time including on every occasions, festivals and birthdays, holidays etc. at the residence place of petitioners at Adarsh Nagar, Delhi, also at the parental house of Respondent No.5 and/or wherever Dr. Amit Malhotra stays, however without any obstructions/interference, restrictions on part of respondent No.5 her parental family members, her children, servants etc; and
- e) to direct independent police/investigating agencies such as CBI or Crime Branch to investigate thoroughly from all angles of the incident dated 31.01.2021 and the circumstances in which Dr. Amit Malhotra suffered inflicted such grievous, serious head and other body injuries while travelling in the car with his family (wife and children), resulting into Coma, Cardiac Arrest and in present mental, physical existing loss of memory, infirmities, disabilities and loss of professional career due to same and the person(s) involved/liable and responsible for the same be brought on record and get punished; and



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- f) to direct independent police/investigating agencies such as CBI or Crime Branch, to investigate thoroughly into the estate of Dr. Amit Malhotra particularly the amounts lying deposit (in lacs/crores) in his bank accounts, FDR's and in other shape by misusing his debit bank cards, changing passwords of his E-banking operations, the whereabouts of the same and/or its misappropriation by whosoever, with effect from date of incident dated 31.01.2021 when Dr. Amit Malhotra was unable to use his bank operations after injuries went in Coma and for the period onwards till date, directing the police authorities to register FIR against the person(s) found, involved and guilty in the offences/crime of misappropriation of his estate and recover, restore his funds/money back to account of Dr. Amit Malhotra; and
- g) Pass any other order(s) that this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. The petitioners, in the present *habeas corpus* petition, limit the reliefs in these proceedings, to a direction to Dr. Archi Bhatia, wife of Dr. Amit Malhotra, to permit the former to visit the latter at House No. 26/95, Shakti Nagar, Delhi, for two hours between 11:00 a.m. and 1:00 p.m. tomorrow i.e. 19.08.2022.

3. Dr. Archi Bhatia, respondent No. 5 herein, who appears before us in-person, states that, she does not object if the parents, namely, Mr. Ram Lal Malhotra and Smt. Shanti Malhotra and sisters of Dr. Amit Malhotra, namely, Dr. Megha Malhotra and Ms. Arti Malhotra, come and visit her ailing husband, Dr. Amit Malhotra, tomorrow,



subject, however, to the meeting taking place in the presence of a responsible third-party.

4. It would be necessary for us to observe that, Dr. Archi Bhatia, facilitated a video-conference with Dr. Amit Malhotra, from her residence yesterday i.e. 17.08.2022, giving this Bench an opportunity to interact with the latter.

5. In view of the foregoing, the present *habeas corpus* petition is disposed of by permitting the parents and sisters of Dr. Amit Malhotra, to visit Dr. Amit Malhotra, at the address aforementioned between 11:00 a.m. and 1:00 p.m. tomorrow i.e. 19.08.2022; and directing that the meeting will take place in the presence of W/ASI Poonam from Police Station Roop Nagar, Delhi, who has to ensure that, it takes place in a cordial, congenial and conducive manner.

6. No further directions are prayed for in the present *habeas corpus* petition.

7. It is made clear that the petitioners are at liberty to initiate appropriate proceedings, if any, in accordance with law, in relation to the other prayers sought for, in the present proceedings.

8. With the above direction, the petition is partly allowed and disposed of. The pending application also stands disposed of.



9. A copy of this order be ^{NEUTRAL CITATION NO: 2022/DHC/003126} given ~~as is~~ under the signature of the

Court Master, as well as, through electronic mail, to learned counsel appearing on behalf of the parties.

10. A copy of this order be also sent to the SHO of the Police Station Roop Nagar, Delhi, for information and compliance and also be uploaded on the website of this Court.

**SIDDHARTH MRIDUL
(JUDGE)**

**AMIT SHARMA
(JUDGE)**

AUGUST 18, 2022/rs

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

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