

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

120

CRWP-11879-2023

Date of Decision:15.12.2023

IDRISH

...PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Munfaid Khan, Advocate for the petitioner.

Mr. Munish Sharma, DAG, Haryana.

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SUVIR SEHGAL, J.(ORAL)

1. Instant petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus directing official respondent No.2 to get the detenues released from the illegal detention of private respondents.

2. Status report by way of an affidavit of Assistant Commissioner of Police, Sohna, has been filed on behalf of official respondents No.2 and 3, wherein it has been *inter alia* submitted as under:-

*“7. That on 12.12.2023, the investigating officer, accompanied by Juvenile Officer, reached the village Vidhwaka and Saddam, brother of the petitioner was found at his residence. He was joined in the inquiry and put to questions. He informed that the minor sons of the petitioner were safe and under his custody. Further, the mother of the petitioner namely Ashima was also joined in inquiry where after, she informed that due to the solemnization of marriage between Sakeel and Muskan,*

*they had left the home and were untraceable and consequently, Idris and Jubair went in search of them. She further informed that they took the valuable items alongwith them and there was peace in the society. She further informed that she was personally looking after the three minor sons of the petitioner who were left behind the petitioner by himself before going to search the couple. The minor sons of the petitioner were presented before the medical officer for their medical examination and thereafter, they were presented before the CWC for their counselling in the presence of Juvenile officer, wherein they underwent counselling and expressed their wishes to join their father. Consequently, their father, i.e. the petitioner, also appeared before the CWC and suffered a statement that he is taking the minor sons into his custody and he will be responsible for their upbringing.*

*8. That the present petition is nothing but misuse of process of law. The children were never found to be in custody of the private respondents. The custody of children, now, has been restored to the petitioner by CWC and thus this being so, the present petition has been rendered infructuous and is hence, liable to be dismissed, being devoid of merits.”*

3. In view of the above development, counsel for the petitioner states that the petition has become infructuous.

4. Dismissed as having been rendered infructuous.

15.12.2023  
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(SUVIR SEHGAL)  
JUDGE

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|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |