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

% ***Date of decision: 21.11.2023***

+ **W.P.(CRL) 3416/2023 & CRL.M.A.31731/2023**

VARUN GOEL

..... Petitioner

Through: **Mr. R.N. Dubey, Advocate with
petitioner in person**

versus

**GOVT OF N.C.T THROUGH S.H.O.
PS HARI NAGAR & ORS.**

.... Respondents

Through: **Mr. Sanjay Lao, Standing Counsel
(Crl.) with Ms. Priyam Agarwal, Mr.
Abhinav Kr. Arya and Mr. Shivesh
Kaushik, Advocates with Insp.
Praveen, ASI Mushtaq and SI Amit,
PS Hari Nagar in person**

CORAM:

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MS. JUSTICE SHALINDER KAUR**

J U D G M E N T (oral)

1. Vide this writ petition, the petitioner is seeking issuance of a writ of Habeas Corpus thereby issuing the directions to the respondents Nos.1 to 5 and respondent No.9 to produce his son from illegal confinement and custody of the respondent Nos.6 to 13 in order to get his treatment from AIIMS, Delhi.
2. Learned Standing Counsel who is appearing on advance notice on behalf of State submits that the child is in the custody of the respondent



No.9/mother. Therefore, no order is required to be passed.

3. Respondent No.9/mother is present along with the child through video conferencing who submits that she has some dispute with her husband, i.e. petitioner herein, and she along with her minor son is living in Bareilly, UP with her family and her child is taking treatment from Murti Nursing Home, Bareilly. She further submits that for better treatment of the child, she and her brother shall take her child to Pune.

4. In view of the above, it seems that the present petition is filed seeking custody of the child. Thus, the issue(s) raised in the present petition is arising out of matrimonial dispute.

5. Accordingly, we hereby dispose of the present petition by giving liberty to the petitioner to approach learned Family Court as per law.

6. Pending application also stands disposed of.

(SURESH KUMAR KAIT)
JUDGE

(SHALINDER KAUR)
JUDGE

NOVEMBER 21, 2023/rk