

123 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRWP-69-2024 (O&M)
Date of Decision: 04.01.2024

HIMANSHU KAPOOR

...Petitioners

V/S

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ankush Bharti, Advocate
for the petitioners.

HARPREET SINGH BRAR J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of Habeas Corpus seeking release of the detenue namely Radhya, aged 04 years from the illegal custody of respondents No. 4 to 7.
2. Learned counsel for the petitioner inter alia contends that marriage of the petitioner was solemnized with respondent No. 4 on 17.04.2019 according to Hindu Rites and Ceremonies and on 11.03.2020, a daughter was born out of the said wedlock. Respondent No. 4 has left her matrimonial home on 23.03.2021 and she along with her, took away the minor daughter of the petitioner. Respondent No. 4 has made a false complaint to Women Cell, Mohali and FIR has been registered against the petitioner under Sections 406 and 498-A of Indian Penal Code. The petitioner has also filed a petition under Section 9 of Hindu Marriage Act against respondent No. 4. Respondents No. 4 to 7 are not allowing the petitioner to meet his minor daughter and they are not providing basic amenities to the minor daughter. Thus prayer has been made that custody of

the minor daughter should be handed over to the petitioner as respondent No. 4 being mother is not able to take care of the child properly. It is further submitted that petitioner has not been allowed to meet his minor daughter and respondent Nos. 4 to 8 have illegally and forcibly confined the minor daughter, who is only 04 years of age, without the consent and wishes of the petitioner.

2. Having heard the learned counsel for the petitioner and after reasoned analysis of the pleadings, this Court finds no reason to issue any direction in the present petition, however, the petitioner would be at liberty to file appropriate application seeking custody of his daughter under the Guardians and Wards Act.

3. The present petition is disposed of in aforesaid terms.

04.01.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No