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

+ **W.P.(CRL) 483/2024**

SAT PRAKASH

..... Petitioner

Through: Ms. Anuradha Mittra & Mr. Sunil
Kumar Paswan, Advocates.

versus

THE STATE (NCT OF DELHI) AND ORS Respondents

Through: Mr. Sanjay Lao, Standing Counsel
and Ms. Priyam Agarwal &
Mr. Abhinav Kumar Arya,
Advocates with Inspector
Bikramjeet, SI Dharamveer & HC
Gopal, PS-Chhawala, for the State.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

12.02.2024

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1. The present writ petition has been filed by the petitioner under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure for issuance of a writ of Habeas Corpus against the respondents for production of his wife Mrs. Kamla. The prayer made in this writ petition is as follows:

"1) declare that the detention of the petitioner's wife Smt. Kamla by the respondents 4 to 11 illegal and order for his release forthwith; and/or

2) meantime this Hon'ble Court may be pleased to issue a Writ of Habeas Corpus against Respondents for recovery and



production of the petitioner's wife Smt Kamla age 74 years before this Hon'ble Court and for being set her at Liberty forthwith; and/or

3) Till pending decision of the petition, direction be issued to the Respondents No.1 to 3 to take measures for ensuring the personal safety and protection of the petitioner's wife Smt. Kamla and for ensuring his production in this Hon'ble Court.

4) Pass any other or further order which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice.”

2. The facts of the case reveal that respondents No.4 to 7 have taken the wife of the petitioner with them and are threatening him. Consequently, the petitioner has filed the present petition.

3. The wife of the petitioner is physically present with her daughter Meenu@ Meena/ respondent No.4 herein. Meenu submits that their mother is staying with both of them. She is presently staying with her sister Sangeeta and her husband.

4. As per the status report, the wife of the petitioner is staying with her daughter Sangeeta at Village Khimawati, Ghaziabad, UP.

5. The wife of the petitioner states that her husband and son are not treating her well. Therefore, she herself on her free will is staying with her daughter.

6. The wife of the petitioner has already filed complaint against her husband under Section 200 Cr.P.C. before the learned MM-07, Dwarka Courts, New Delhi bearing No.1952/2023 titled ***Kamla Vs. Satya Prakash & Others.***

7. In view of the above, no further orders are called for in the present



petition. The same is, accordingly, disposed of.

SURESH KUMAR KAIT, J

GIRISH KATHPALIA , J

FEBRUARY 12, 2024

B.S. Rohella