



2024:DHC:1351-DB



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

% ***Date of decision: 20.02.2024***

+ **W.P.(CRL) 530/2024 & CRL.M.A.4838/2024**

**FIYAZUDDIN**

..... Petitioner

Through: Mr. Mahesh Chand, Advocate with  
petitioner in person through vc

versus

**THE STATE GOVT. OF NCT OF DELHI AND  
ORS.**

.... Respondents

Through: Mr. Sanjay Lao, Standing Counsel  
(Crl.) with Mr. Priyam Agarwal, Mr.  
Abhinav Krumar Arya and Mr.  
Shivesh Kaushik, Advocates and SI  
Mayank Istwal

**CORAM:**

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT  
HON'BLE MR. JUSTICE GIRISH KATHPALIA**

**J U D G M E N T (oral)**

1. Present petition has been filed as Habeas Corpus under Article 226 of the Constitution of India read with Section 482 Cr.P.C. seeking directions to the respondents to produce wife of the petitioner and to handover her custody from respondent Nos.2 to 4 to him.
2. The petitioner is aggrieved by the fact that on 04.02.2024, the respondent Nos.2 to 4, who are father-in-law, brother-in-law of petitioner and mama of petitioner's wife, respectively, came to petitioner's house and



invited them to their house for a function. On 05.02.2024, they took petitioner and his wife with them. When they reached there, petitioner found that there was no function. Thereafter, on 08.02.2024, petitioner gave a complaint to Commissioner of Police, Delhi as well as to Chief Minister of Delhi against the respondents but it was to no avail. Hence, the present petition has been filed.

3. Notice issued.

4. Mr.Sanjay Lao, learned Standing Counsel accepts notice on behalf of the State/respondent and has handed over a status report dated 20.02.2024 which is taken on record.

5. Petitioner's wife is present in person through video conferencing and submits that there is some matrimonial dispute going on between her and the petitioner, however, she wants to live with the petitioner and if he comes to bring her back, she shall go with him.

6. Petitioner is present in person through video conferencing and submits that he is ready to keep his wife with him, however, he does not want to go to her place apprehending that some untoward incident may take place.

7. Accordingly, SHO Kalyanpuri is directed to send some officer with the petitioner to the residence of his wife and on reaching, the wife of the petitioner and shall accompany her husband to his place of residence as undertook by the her in Court today.

8. No further order is required to be passed.

9. With directions as aforesaid, the petition and pending application are disposed of.

10. It is made clear that if any untoward incident takes place with the



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petitioner, appropriate action shall be taken against the erring party as per law.

**(SURESH KUMAR KAIT)**  
**JUDGE**

**(GIRISH KATHPALIA)**  
**JUDGE**

**FEBRUARY 20, 2024/rk**