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

% ***Date of decision: 23rd February, 2024***

+ **W.P.(CRL) 639/2024**

MEENA DEVI & ANR.

..... Petitioners

Through: **Mr. Sanjeev Kumar and Mr. Manish Kumar, Advocates.**

versus

THE STATE GNCT OF DELHI

..... Respondent

Through: **Mr. Sanjay Lao, Standing Counsel (Crl.) with Mr. Priyam Agarwal, Mr. Abhinav Krumar Arya and Mr. Shivesh Kaushik, Advocates, Insp. Surender Sharma, P.S. Laxmi Nagar.**

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The present petition has been preferred by the petitioners under Article 226 of the Constitution of India read with Section 482 Cr.P.C. seeking, *inter alia*, issuance of a Writ of Habeas Corpus to respondent to produce and release children (Master X and Ms. Y) of petitioner No.2.
2. Notice issued.
3. Mr. Sanjay Lao, learned Standing Counsel accepts notice on behalf of respondent-State.
4. Master X and Ms. Y have been produced in the Court today by their mother.



5. It is not in dispute that on 06.01.2024, wife of petitioner No.2 left her matrimonial house along with her two minor children, i.e. Master X (aged 6 years) and Miss Y (aged 3 ½ years) and now she is staying at her parental house at R-50/IR Extension, Bahadurgarh, Delhi.

6. We have interacted with the parties in chamber.

7. During interaction, wife of petitioner No.2 submits that due to some adjustment issues, she had left her matrimonial house and started staying with her parents. According to her, there are some issues with her mother-in-law regarding sharing the common kitchen and if her kitchen is separated, she would have no problem in returning with her husband.

8. The petitioner No. 2 has assured this Court that the misunderstanding between them would be sorted out and he is also willing to live with his wife and assures to keep her happy. The wife of the petitioner No. 2 is also ready to go with him and has assured that she will also stay happily and would try to resolve all the issues.

9. The petitioner No.2 has also informed this Court that the relatives of his wife had come to his place earlier and had misbehaved with his mother and family members and to said effect, he had made a complaint to the police but no action was taken and, therefore, he had to file a complaint under Section 156(3) Cr.P.C. before the concerned court which is pending adjudication.

10. The relatives of wife of petitioner No.2, are present in person who submit that they would not cause any hindrance in their married life.

11. In the light of aforementioned facts, we hereby direct the relatives of the wife of petitioner No.2 to not visit matrimonial home of the parties without the consent of petitioner No.2 or his wife so as to enable them to resume



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their married life.

12. With directions as aforesaid, the present petition is disposed of.

(SURESH KUMAR KAIT)
JUDGE

(MANOJ JAIN)
JUDGE

FEBRUARY 23, 2024/rk