



\$~(urgent mentioning)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of decision: 15th April, 2024**
+ **W.P.(CRL) 1009/2024**
MUSHLINA Petitioner

Through: Mr. Manish Kumar with Mr. Pankaj
Sinha, Advocates with petitioner in
person.

versus

COMMISSIONER OF POLICE AND ORS. Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) with Ms. Priyam Agarwal,
Mr. Abhinav Kumar Arya and
Mr. Shivesh Kaushik, Advocates
Inspr. Rajesh Vijay, SHO, PS Bharat
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 matter has been taken up on mentioning.
2. Present petition has been filed by the petitioner seeking following prayer:-

“Issue a Writ of Habeas Corpus or for any appropriate writ, order or direction to the Respondents to immediately produce before this Hon’ble Court, the abovementioned son of the petitioner who has been illegally taken away and with the illegal custody.”

3. Pursuant to order dated 03.04.2024, the son of the petitioner has been produced by the husband of the petitioner before the Court. The husband of the petitioner submits that they have three children and out



of them, two are already with his wife and the present one is with him. He further submits that though there are matrimonial disputes between them but if petitioner wants, she can come back to her matrimonial home.

4. Petitioner is also present in Court with her counsel Mr. Manish Kumar, Advocate. She submits that the child be handed over to her as her husband, who is a drug addict, is not taking good care of the child and the child also looks to be unwell.

5. The present petition filed by the petitioner is in the nature of Habeus Corpus and it merely seeks production of her son, who is admittedly in the custody of her husband. Since the custody of the son of the petitioner is presently with her husband, the child cannot be said to be under any kind of illegal detention.

6. In view of the above, since the child has been produced by the husband of the petitioner before Court, no further orders are required to be passed in the present petition. However, petitioner is always at liberty to approach Family Court seeking relief of custody/visitation rights of her said son.

7. It has been informed that the present address of the husband of the petitioner Mr. Nazir is Khusiyar Wari, (Chhatar Ganj), Police Station Pargatta, District Kishanganj, Bihar. We hereby make it clear that in case of change of said address, the husband of the petitioner, shall communicate the new address to SHO, Police Station Bharat Nagar, Delhi forthwith who shall then intimate the petitioner



accordingly.

8. The petition is, accordingly, disposed of.
9. The next date of 16.04.2024 stands cancelled.

(SURESH KUMAR KAIT)
JUDGE

(MANOJ JAIN)
JUDGE

APRIL 15, 2024
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