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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 1225/2024

KESHAV GAUTAM ALIAS AMAN

.....Petitioner

Through: Petitioner in person.

versus

STATE GOVT. OF NCT OF DELHI AND ORS.Respondent

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) with Ms. Priyam Aggarwal &
Mr. Abhinav Kr. Arya, Advs. for State.
Mr. Rakesh K. Khanna, Senior Adv.
with Mr. Davinder N. Grover, Mr.
Vijay Laxmi, Ms. Pragati Keshri, Mr.
Harsh Gupta, Ms. Akshansh and Mr.
Paras Poswal, Advs. for 5, 6, 7 with R-
5 & 6 in person.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

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22.08.2024

1. This hearing has been done through hybrid mode.
2. The present writ petition was filed by Keshav Gautam @ Aman Gautam son of Sh. Rajendra Gautam under Article 226 of the Constitution of India read with Section 482 Cr.P.C. seeking issuance of a writ in the nature of *habeas corpus* seeking production of his father Sh. Rajendra Gautam. The allegation in the petition was that his mother *i.e.*, Divya Gautam-Respondent No.5 was ill-treating his father and that the mother and sister *i.e.*, Nishtha Gautam- Respondent No.6 had connived with a doctor and were administering sedatives to the Petitioner's father. The further apprehension was that the father, who is specially abled was being kept in illegal confinement.
3. *Vide* order dated 23rd April, 2024, the Court recorded as under:-



“4. The petitioner has averred that his father is the owner of a reputed school namely, St. Thomas' Public School and has accumulated various immovable properties. His father's relationship with his mother, who is 15 years younger to him, was strained and he has now learnt that his mother, in connivance with respondent No. 6, is administering sedative medicines to his father (her husband).

5. The petitioner has averred that when he agitated about the same, a quarrel took place between respondents Nos. 5 and 6, which resulted into filing of various civil and criminal litigations against each other.

6. The petitioner has averred that respondents Nos. 5, 6 and 7 are hatching conspiracy to eliminate his father and grab his properties and are also preventing him to meet his father. Hence, a prayer is made to direct the respondents to produce his father, who has been secretly kept at some place by respondents Nos. 5 and 6 so that he could ensure his father's safety and life.”

4. Notice was then issued in this petition.

5. While the hearing was going on, the Petitioner who was appearing through video conferencing on the said date *i.e.*, 23rd April, 2024 had used inappropriate words and despite the cautioning by the Court to maintain decorum, the Petitioner had not relented. Accordingly, show cause notice of contempt was issued against the Petitioner and he was directed to remain present.

6. Subsequently, Id. Senior Counsel appearing for Respondent Nos. 5, 6 and 7 had also complained that he had received extremely derogatory and abusive messages from the Petitioner.

7. On the last date of hearing *i.e.*, 12th July, 2024, it was observed that the non-bailable warrants which were issued against the Petitioner *vide* order dated 6th May, 2024 had not been executed. Accordingly, the Petitioner was



directed to be present today in person. In addition, the father of the Petitioner was also directed to be produced.

8. Today, the Petitioner has appeared and wishes to place his stand by way of a note, which reads as under:-

“I express gratitude and appreciation for your understanding and regret for my behaviour and conduct towards the HON’BLE COURT.

Myself a bipolar disorder patient being diagnosed around 2009 -whose illness was made mockery at my work place St. Thomas’ School, New Delhi and residence in Janakpuri, New Delhi by my own mother Smt. Divya Gautam left deep scars on my psychology and left me questioning my life worth.

To the extent court case was filed against me under Mental Health Act 101, 102, 103 by mother and police harassed me saying I should get proper treatment to improve my conduct.

Whereas I am being treated and euthymic with help of doctors of my choice which was earlier not the scenario as my mother forced me to consult the same doctor who was treating my father from last 15 years and we both were given dissolve in food psychiatric drugs without awareness which has led to current medical condition of my father.

I studied mental health and psychiatric drugs for years and I request your esteemed self to assign a medical board of doctors to assess what medicines were given to my father and how his treatment is being managed from last 10 years which has led to this condition where he cannot speak listen or even see from his eyes despite having all physical faculties intact.

I want to move on in life and forgive my mother for whatever pain she inflicted upon me by sending me to Tihar Prison and extreme torture I was made to go through to meet my own father in last 18 months of litigation and harassment by police officials to extent my bank accounts are frozen and I cannot fly out of country for my psychiatric medical treatment which was already



going on in Toronto St. Michael Hospital last year July and August after bailed out from Tihar Prison.

Also— I seek forgiveness from mother Smt. Divya Gautam Manager St Thomas School Dwarka, for my online and offline behavior and wish to reconcile with her.

My mother and father are growing old and they need me to take care of them in their old age as I am there only son and I want to perform my duties despite battling an illness myself from last 15 years.

I request your good self to send the various criminal and civil disputes mother has filed against me to mediation and promise that my behavior which was illegal in eyes of law will not be repeated and I shall always hold great regard for the Judiciary, Indian Legal System and Constitution of India.

Thanking You and anticipating your positive and timely intervention.

Keshav Rajender Gautam

Formerly Aman Gautam

Resident A-1/228 Janakpuri New Delhi

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The said note handed over today by the Petitioner is taken on record.

9. In addition, the Court is informed that there are several civil and criminal proceedings between the Petitioner and his family members. In FIR No. 72/2024, the Petitioner had surrendered on 16th August, 2024 and on 17th August, 2024 he was granted bail.

10. As can be seen from the note placed by the Petitioner, he seeks mediation of all the disputes. He has also expressed regret for his behaviour and conduct. Certain disturbing posts on social media and messages were shown to the Court on the last date of hearing, upon which the Court, *vide* order dated 12th July, 2024 had directed as under:-



“8. It is made clear that the Petitioner shall not send any messages to his mother or her lawyers or post any messages on social media or any online platforms against his mother, sister, ld. Counsels, ld. Sr. Counsel or any of the other parties involved in this case.”

11. Today again, the Court is shown some posts put up by the Petitioner, despite the order which was passed by this Court.

12. The Petitioner is present in person. He claims that he is undergoing treatment for various mental disorders/illnesses. Clearly, the Petitioner is not in the proper state of mind. The father, the mother- Respondent No. 5 and the sister- Respondent No.6 are also present in Court. The father is also unable to communicate.

13. The scope of this writ petition was merely for production of the father. The Petitioner has now seen his father.

14. Considering the mental health of the Petitioner, the Court is inclined to accept the regret expressed by the Petitioner and close the proceedings for contempt. The writ itself stands satisfied upon production of the father.

15. The Petitioner undertakes not to post any obscene, abusive, defamatory or libellous messages against any of his family members on any social media platform. The said undertaking is accepted and the Petitioner shall be bound by the same.

16. With these directions, the present petition is disposed of. No further directions are called for.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

AUGUST 22, 2024nk/bh/pr