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

% ***Date of decision: 21st May, 2024***

+ **W.P.(CRL) 1392/2024 & CRL.M.A. 13618/2024**

PRINCE ANAND & ANR.

..... Petitioner

Through: **Mr. Keshav Sehgal, Mr. Shivam
Gaur, Mr. Kshitij Joshi and
Mr. Aryan Kumar, Advocates**

versus

STATE OF NCT OF DELHI & ORS.

..... Respondents

Through: **Mr. Sanjay Lao, Standing Counsel
with Ms. Priyam Agarwal and
Mr. Shivesh Kaushik, Advocates with
Insp. Arvind Kumar, P.S. Kirti Nagar.
Mr. Ashim Shridhar and Ms. Radhika
Gupta, Advocate for R-2
Mr. Puneet Mittal, Sr. Advocate with
Ms. Sakshi Mendiratta, Advocate for
respondent No.5.**

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Present petition has been filed by the petitioner seeking following prayer:-

“Issue a Writ in the nature of Habeas Corpus, Order(s) and/or direction(s) to the Respondents to produce the minor Children of the Petitioner, i.e., Ms. SA and Mr. RA, before the Hon'ble Court and be set at liberty into the custody of the Petitioners.”

2. Vide order dated 03.05.2024, the parties were referred to Delhi High Court Mediation & Conciliation Centre. However, as per report, the mediation between the parties failed.

3. Learned counsel appearing on behalf of the petitioner submits that based on a false complaint, an FIR has been registered against the



husband of the petitioner No.2, which is nothing but a counterblast to the present petition. This is disputed by the learned counsel appearing for respondent No.2.

4. The parties are present in Court in person.

5. We have interacted with them in chamber. The children of the petitioner No.1 are with their mother (respondent No.2). Respondent No.2 states that she does not want to go back to her matrimonial home and wants to stay with her parents. She further states that her children also want to live with her at their maternal grandparents' home at Karnal and want to pursue their education from Karnal only.

6. The present petition filed by the petitioners is in the nature of Habeus Corpus and it merely seeks production of his children, who are, admittedly, with his wife. Since the custody of the children of the petitioner is presently with his wife, the children, in view of present factual matrix, cannot be said to be under any kind of illegal detention.

7. In view of the above, no further orders are required to be passed in the present petition. However, the petitioners are always at liberty to approach Family Court seeking relief of custody/visitation rights of such children.

8. Petition is, accordingly, disposed of.

SURESH KUMAR KAIT, J

MANOJ JAIN, J

MAY 21, 2024/st