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

+ **W.P.(CRL) 1402/2024**

RAHIL PARVEEN D/O SADAKAT ULLAH

..... Petitioner

Through: Mr. Shivender Kumar Sharma, Mr.
Urooj Chaudhary, Advocates.

versus

**STATE GNCTD THROUGH STANDING COUNSEL
CRIMINAL & ORS.**

.... Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) with Ms. Priyam Agarwal,
Mr. Abhinav Arya and Mr.
Shivesh Kaushik, Advocates for
State
Ms. Kanishka Gautam, Mr.
Prasann Prashat, Ms. Parul Bhati,
Advocates alongwith respondent
no.3 in person.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

29.05.2024

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1. The present writ petition has been preferred by the petitioner-mother 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 directing the respondents to produce her minor children, i.e. Mr. 'X' (aged 8 years), Mr. 'Y' (aged 7 years) and Ms. 'Z' (aged 4 years), before this Court and to handover their custody to petitioner.



2. Brief facts of the case are that petitioner is wife of respondent No.3. On 09.01.2024, respondent No.3 allegedly assaulted the petitioner. Petitioner alleges that on 23.02.2024, the respondent No.3 intoxicated her and took away her three children along with other valuables. Thereafter, on 01.03.2024, the petitioner lodged a complaint at Police Station Welcome, Delhi but to no avail. Hence, the present petition has been filed.

3. On 24.05.2024, husband of the petitioner appeared before this Court along with his three minor children. Petitioner and her husband were directed to sit together with their children in children room of Mediation Centre of this Court so that petitioner can meet her children. After such meeting took place, the husband of the petitioner had sought sometime to take further instructions to assist the Court.

4. Accordingly, with the consent of the petitioner and her husband, petitioner was permitted to keep her daughter (Ms. 'Z') with her till the next date of hearing with the direction her daughter on the next date of hearing. Since two other two children (Mr. 'X' and Mr. 'Y') had desired to go with their father only, they were permitted to accompany their father (petitioner's husband) and he was directed to produce the two children before this Court on the next date of hearing.

5. Today, the petitioner along with her daughter (Ms. 'Z') and her husband along with (Mr. 'X' and Mr. 'Y') are present.

6. With the consent of parties, we hereby dispose of the present petition while giving liberty to both the parties to approach competent court for seeking custody of the children which are with the other spouse. However, with the consent of the parties, the present arrangement of



custody of children, i.e. (Ms. 'Z' with petitioner and Mr.'X' and Mr. 'Y' with petitioner's husband), shall continue until any order is passed by the competent court.

7. Petitioner and her husband have also agreed that every Saturday petitioner's husband shall visit petitioner's house with his two sons to meet his daughter and every Sunday petitioner shall visit her husband at C-64, Matke Wali Gali, Jafrabad, Delhi along with her daughter to meet her sons from 04:00 PM to 07:00 PM.

8. The parties shall abide by the aforesaid arrangement and in case of violation of the arrangement, contempt proceedings shall be initiated against the erring party.

9. In view of the above the petition is disposed of.

SURESH KUMAR KAIT, J

MANOJ JAIN, J

MAY 29, 2024/rk