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

+ **W.P.(CRL) 1416/2024**

MEENU DUGGAL

..... Petitioner

Through: In person

versus

THE STATE AND ORS

..... Respondent

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) with Ms. Priyam Agarwal,
Mr. Abhinav Arya, Mr. Shivek
Kaushik, Advocates for State and
Insp. Pushpendra

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **06.05.2024**

Crl.M.A. 13841/2024 (for exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(CRL) 1416/2024

1. The present writ petition has been preferred by the petitioner 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 to trace out and produce her husband, namely, Pradeep Duggal before this Court.
2. The brief facts of the case are that the marriage of petitioner and her husband was solemnized on 08.07.1997 as per Hindu rites and ceremonies. Out of said wedlock a boy, namely, Pranav and a girl, namely, Pranavi were born out.



3. On 17.12.2019, after suffering domestic violence at the hands of her husband, the petitioner filed a petition under Section 12 of PWDV Act seeking grant of maintenance. On 24.07.2020, petitioner's husband filed a petition being Crl.M.C. No.1629/2020 before this Court which was dismissed for non-prosecution vide order dated 11.03.2024. On 08.10.2020, during hearing of the above-stated petition, her husband undertook to make monthly payment of interim maintenance to petitioner. However, in April, 2021, he did not make any payment towards maintenance. Thereafter, in May, 2021, petitioner preferred a contempt petition against her husband. In September, 2021, her husband shifted to Panchkula to his brother's residence. On 28.04.2024, Mr. Hira Malhotra came to the house of petitioner's mother and presented her the letter in which her husband had allegedly surrendered his car, owing to non-payment of the loan money for the previous three years due to financial difficulties and he also indicated the specific location of the car. The mobile number shown in the paper is not functional and the copy of Adhar card is outdated. Petitioner has strong apprehension that some untoward thing might have happened with him. Hence, the present petition has been filed.

4. Notice issued.

5. Mr. Sanjay Lao, learned Standing Counsel accepts notice on behalf of State and has handed over a copy of status report dated 06.05.2024 in Court which is taken on record.

6. It is mentioned in the status report that there are matrimonial disputes between the petitioner and her husband. On 17.12.2019, petitioner filed a petition under Section 12 of PWDV Act seeking granted



of maintenance along with application seeking interim relief.

7. It is further stated in the status report that petitioner's husband has already been declared "Proclaimed Offender" in the above-noted petition under the provisions of PWDV Act by learned MM, Mahila Court, North West District, Rohini, Delhi and the police team of concerned Police Station has already been assigned task to trace him out. As far as car of petitioner's husband is concerned, the same is parked at the house of petitioner's mother which is a matter between the petitioner and HDFC Bank.

8. It is obvious that there is matrimonial discord between petitioner and her husband. Her husband has already been declared "proclaimed offender" vide order dated 19.08.2023 passed by learned MM, Mahila Court, North West District, Rohini, Delhi in Ex. Criminal 37/2022 and a police team has already been constituted to search him and, therefore, the present petition does not call for any interference, at least, at this juncture. However, the status report regarding efforts made in apprehending husband of petitioner (who is proclaimed offender) and the outcome thereof shall be submitted before the concerned learned Mahila Court within one month with advance copy to petitioner.

9. The present petition is disposed of in aforesaid terms.

SURESH KUMAR KAIT, J

MANOJ JAIN, J

MAY 6, 2024/rk