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

+ **W.P.(CRL) 1418/2024**

NAUSHAD AHMED

..... Petitioner

Through: **Mr. Dhruv Sharma and Mr. Akash
Baisoya, Advocates**

versus

THE STATE OF NCT OF DELHI AND ORS. Respondents

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

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

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06.05.2024

Crl.M.A. 13852/2024 (for exemption)

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

W.P.(CRL) 1418/2024

1. The present writ petition has been preferred by the petitioner under Article 226 of the Constitution of India seeking issuance of a writ in the nature of habeas corpus to trace out and produce his minor daughter who is illegally detained by respondent No.4 and his other associates.
2. The brief facts of the case are that the petitioner is a resident of Old Seema Puri, Delhi and the respondent No.4 is residing at Ghaziabad,



Uttar Pradesh.

3. It is averred in the petitioner that petitioner and the respondent No.4, namely, Mrs. Usha Bhatnagar, were known to each other since long. From the year 2008 to 2014, the petitioner used to live in the government quarter of Mrs. Usha Bhatnagar along with her family in Timarpur, Delhi.

4. After retirement of respondent No.4 in 2014, she went to live with her daughter in Dwarka, Delhi and after that the petitioner moved to Old Seema Puri, Delhi. Thereafter, in the year 2022, when respondent No.4 came to live in her flat at Madhuvan Bapudham, she contacted the petitioner and requested him to send her daughter at her residence for a few days as she used to live alone. Accordingly, the petitioner asked his 12 years old daughter to stay with respondent No.4 for a few days. Thereafter, in the year 2024, the petitioner came to know from some of his relatives about the ill-intention of respondent No. 4 to take away the petitioner's daughter far away from her parental home. Thereafter, on 06.04.2024, the petitioner brought his daughter with him from the house of respondent No.4. On 21.04.2024, the respondent No.4 contacted the petitioner's daughter, called her alone outside the house, and then took his daughter with her at her residence in Ghaziabad. On the same day, when the petitioner went to the house of respondent No.4, she behaved rudely with the petitioner and claimed that if the petitioner ever tried to take her away, then she would commit suicide. Petitioner alleges that respondent No 4 and her other companions have even extended threats to the petitioner that they would kill his daughter if he dared to come again at her residence. Petitioner filed a complaint dated 29.04.2024 with the



concerned police authorities qua illegal detention of his daughter by respondent No.4, but till date, no steps have been taken. Hence, the present petition has been filed.

5. Notice issued.

6. 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 which is taken on record. It also contains the statement of respondent No.4.

7. The missing daughter of petitioner is present in Court through video call and submits that she has been living with respondent No.4 for past few years and she does not want to stay with petitioner as he had left her with respondent No.4 when she was very young. On our asking, she talked to her father through video call in the Court also and reiterated that she did not want to go back to him.

8. Petitioner, it seems, treated respondent No.4 as his mother and the girl in question considers her as her grand-mother and is very attached to her and does not want to go back to her father at all.

9. It is not in dispute that the petitioner was also earlier staying with respondent No.4.

10. Petitioner is present in Court and informs this Court that he took divorce from his first wife in 2013, and thereafter, he got married again in 2019. He took divorce from second wife also in the year 2022.

11. In view of statement of daughter of the petitioner before this Court, it seems that she is not in illegal detention as she was left with respondent No.4 by petitioner himself only.

12. In view of above, the present petition, which is in the nature of



habeas corpus, does not call for any interference. The petitioner knows about the whereabouts of his daughter and is always at liberty to take recourse to other remedy available under law if he wants her custody.

13. The petition stands disposed of accordingly.

14. It is made clear that this Court has not expressed any final opinion on the merits of the present case.

SURESH KUMAR KAIT, J

MANOJ JAIN, J

MAY 6, 2024/rk