



2024:DHC:4761-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of decision: 19th June, 2024**

+ W.P.(CRL) 1871/2024
VAIBHAV SHARMA

..... Petitioner

Through: Mr. Veerendra Kumar Sinha with Ms.
Nupur Singh, Ms. Suman Prabhkar
and Mr. Rajendra Prasad, Advocates.

versus

STATE OF NCT OF DELHI & ORS

..... Respondents

Through: Ms. Priyam Agarwal, Advocate with
SI Amit Punia.
Mr. Krishna Kumar with Mr. Ajay
Kumar and Mr. Abhishek Kumar,
Advocates for R-1.

CORAM:**HON'BLE DR. JUSTICE SUDHIR KUMAR JAIN****HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. The matter is taken up today as 17.06.2024 was declared a holiday on account of Id-ul-Zuha (Bakrid).
2. The present writ petition has been filed by the petitioner under Article 226/227 of the Constitution of India read with Section 482 Cr.P.C seeking issuance of writ of Habeas Corpus for the production of his son aged 8 years before this Court.
3. Learned Counsel for the State has submitted Status Report, which is taken on record.
4. The child in question i.e. son of the petitioner has also been produced. His mother is also present in the Court.



5. The prayer in the present petition reads as under:

“For an appropriate writ, order or direction, issuing a writ of habeas corpus directing Respondents to forthwith produce the confined /aggrieved K S aged 8 years before this Hon 'ble Court forthwith for setting them at liberty.”

6. It is clear from the status report that the child is presently residing with his mother and, therefore, apparently, it is not a case of illegal detention of any nature or whatsoever.

7. The parties have some kind of matrimonial discord and petitioner has already filed a petition under Section 9 of Hindu Marriage Act which is reportedly pending in the Family Court and is now scheduled for 30.07.2024.

8. It has also been brought to the notice that a petition under Section 125 Cr.P.C has also been filed seeking maintenance from the petitioner herein.

9. Be that as it may, since the child has been produced today and he is not under any wrongful or illegal detention, no further order is required to be passed in the present writ petition, which is merely in the nature of Habeas Corpus.

10. Needless to say, the petitioner would be at liberty to move appropriate application before the Competent Court, if he is desirous of seeking any relief with respect to custody/visitation/medical treatment of his son.

11. Accordingly, the present petition stands disposed of in the aforesaid terms. Since the child has also been produced today, with the consent of both the parties, the petitioner-father and his family members would be at liberty to



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meet him outside the court-room for one hour.

12. The petition stands disposed of.

DR. SUDHIR KUMAR JAIN
(VACATION JUDGE)

MANOJ JAIN
(VACATION JUDGE)

JUNE 19, 2024/sw