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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 2098/2024

SHRI KRISHAN KALAWAT

.....Petitioner

Through: Mr. J.K. Sharma, Adv.

Versus

STATE OF NCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Criminal) with Ms. Priyam Agarwal, Adv.
Insp. Sahdev Rana, SHO Vasant Kunj.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

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15.07.2024

1. This hearing has been done through hybrid mode.

CRL.M.A. 20320/2024 (for exemption)

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

W.P.(CRL) 2098/2024

3. The present writ petition has been filed by Mr. Krishan Kalawat under Article 226 of the Constitution of India read with Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 seeking issuance of a writ of habeas corpus for production of his wife – Ms. Vandana. It is stated that Ms. Vandana left the matrimonial home on 29th June, 2024. A complaint was also filed with P.S Vasant Kunj (South).

4. The Respondent State has filed the Status Report dated 15th July, 2024 under the signatures of SHO P.S Vasant Kunj (South). As per the said Status Report, the investigation and inquiries were duly conducted and the



statements of friends and relatives of the parties concerned have also been recorded. The same is attached with the Status Report.

5. As per the said Status Report, the wife of the Petitioner has been traced on 14th July, 2024 from Alwar, Rajasthan where she was living with one Mr. Tejpal Sharma on her own will.

6. Today, Ms. Vandana has been produced before the Court. The Court has interacted physically with the Petitioner, his wife and their son. The Court has also interacted with the mother of Ms. Vandana-Mrs. Heera Devi.

7. The position which has emerged from the interaction by the Court with the parties is that the wife of the Petitioner is not willing to go back to her matrimonial home and does not want to live with the Petitioner. Ms. Vandana has categorically stated that she wants to continue to live with Mr. Tejpal Sharma and in fact states that she wishes to obtain divorce from the Petitioner. Insofar as the children of the Petitioner and Ms. Vandana are concerned, the Petitioner husband and the mother of Ms. Vandana have tried to persuade Ms. Vandana to not abandon her children. However, Ms. Vandana is clear to the effect that she would meet the children from time to time, maybe twice a month but she does not want to stay with them in the matrimonial home anymore.

8. Ms. Vandana has further stated that the Petitioner is financially stable and can take care of the children who are 16 and 13 years old. The elder son of the Petitioner and Ms. Vandana is currently studying in 11th standard in Ryan International and the younger son is in the 9th standard. She states that she does not have the financial means to take care of the two grown up boys.

9. In view of the above, nothing further survives in this writ petition. The same is accordingly disposed of. All pending application(s), if any, is also



disposed of.

10. The concerned IO shall escort Ms. Vandana outside the court premises.

PRATHIBA M. SINGH, J

AMIT SHARMA, J

JULY 15, 2024
Rahul/rks/pr