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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Decision: 15th July, 2024

+ **W.P.(CRL) 2104/2024**

NEHA BHATI

.....Petitioner

Through: Mr. Kartik Kumar Aggarwal, Mr. Shivansh Nagpal and Mr. G.S. Arora, Advocates along with Petitioner in person. (M-7011461996)

versus

THE STATE OF NCT OF DELHI THROUGH THE STATION
HOUSE OFFICER & ANR.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel (criminal) for the State with Ms. Priyam Agarwal, Advocate.
Ms. Neha Kapoor, Advocate for R-2 with R-2 and his son Ayush in person (M-9958804676)

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE AMIT SHARMA

Prathiba M. Singh, J.(Oral)

1. This hearing has been done through hybrid mode.
2. The present writ petition has been filed by the Petitioner-Ms. Neha Bhati under Article 226 of the Constitution of India read with Section 528 of Bhartiya Nagrik Suraksha Sanhita seeking issuance of a writ of habeas corpus to produce her son-Master 'A', who is aged 13 years.
3. According to the Petitioner, she and her husband had a fight on 20th May, 2024, which resulted in a police complaint being filed by her. On the said date, the son-Master 'A' is stated to have been taken away by the father, i.e., husband of the Petitioner and she was not allowed to meet him, though she admits that she has telephonically talked to her son.



4. Today, the Petitioner, her husband and their son have appeared before this Court. The Court has interacted with them in Chamber.
5. The facts that have emerged from the interaction are that Master 'A' was studying in Cambridge International School in class IX. According to him, his parents used to have regular fights and one such fight took place on 20th May, 2024. Thereafter, his father spoke to him and gave him some time to decide whether he wants to stay with his mother or with the father. He has chosen to live with his father and therefore, he is now in the custody of the father. After moving with his father, they have relocated to Faridabad with a relative and he has taken a transfer certificate from Cambridge International School and taken admission in Shri Ram Model School.
6. From the interaction, it has also emerged that both the parents of Master 'A' are working. The Petitioner mother is stated to be working in an overseas admission consultancy called Admission Times. The father of Master 'A' works in an administrative capacity in the Tata Energy Research Institute in Gurugram.
7. Master 'A', has informed the Court that he prefers to study in Cambridge International School. Master A's father has thus agreed to relocate as quickly as possible to a premises which is nearby to the school where they used to earlier live in Khanpur.
8. It is also agreed between the parties that twice a month, on any holiday or Sunday, Master 'A' would go and visit his mother and stay with the maternal grandparents at RZ-40, Gali No. 7, Sitapuri, New Delhi-45. This arrangement is acceptable to the father as also to Master 'A'. Further, if the mother wishes to take her son, Master 'A' for an outing, she would inform the father of Master 'A' so as to make him aware where she is taking the son. The



father can then be in the vicinity.

9. Considering the wishes expressed by Master 'A', Cambridge International School is directed to render all cooperation to re-admit the child in the school in 9th Standard and if there are any tests or other assignments that he has missed, they would give him an opportunity to complete the same and also appear in any re-test, considering the unique facts.

10. The father and the mother of Master 'A' shall be included in all the school groups. The mother has assured the Court that she would not communicate with any of the teachers of Master 'A' with regard to any issues relating to the family as she admits that one of the teachers is her friend. No audio or video recording, or any such communication relating to the family shall be communicated to or shared with the teachers so as to ensure that the child's comfort is not disturbed in the school in any manner.

11. The present writ petition is disposed of along with pending applications, if any.

12. This order shall continue to apply until any other arrangement is directed by a competent Court including under the Guardians and Wards Act, 1890.

PRATHIBA M. SINGH
JUDGE

AMIT SHARMA
JUDGE

JULY 15, 2024/sn/pr