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

+ **W.P.(CRL) 2264/2024 & CRL.M.A. 22153/2024**

KESARI NANDAN PANDEY

.....Petitioner

Through: Mr. Jatin Rajput, Mr. Rajeseh Kumar
Jha & Mr. Varun Panwar, Advocates
alongwith petitioner in person.

versus

**STATE NCT OF DELHI THROUGH SHO MOTI NAGAR POLICE
STATION & ORS.**

....Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) with Ms. Priyam Aggarwal,
Advocate.
Insp. Sumit Kumar & SI Amit Kumar,
P.S. Moti Nagar.
Ms. Poonam, wife of the Petitioner
(through Vc).

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

% **30.07.2024**

1. This hearing has been done through hybrid mode.
2. The present petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of the Petitioner-Mr. Kesari Nandan Pandey seeking issuance of a writ of *habeas corpus* to produce his wife-Ms. Poonam and their daughter, who are stated to have left the matrimonial home on 13th April, 2024.
3. As per the petition, the Petitioner and Ms. Poonam, got married on 22nd April, 2022 through an arranged marriage in the presence of family and friends. Subsequently, they were blessed with a girl child, 'Ms. J' on 21st



January, 2023.

4. According to the Petitioner, the brother of the wife, Respondent No. 5, had come to the matrimonial home on 13th April, 2024, and took his wife to her parental home on account of the demise of their *Nani* and since then, she has not returned home. Hence, the present petition.

5. Status Report dated 30th July, 2024 has been handed over to the Court. The said report states that enquiries have been conducted regarding the whereabouts of the wife of the Petitioner and his daughter, Ms. 'J'. Further, the wife of the Petitioner, Ms. Poonam has been contacted through her mobile number and it has been found that she along with Ms. 'J' are living in District Pratap Garh, Uttar Pradesh, in her parental house. She has made some allegations that the Petitioner used to ill-treat her and one of the grievances she has is that her husband never visited her parental home. The status report concludes that she is willing to live with her husband, provided the husband comes to her parental home and assures her parents about her well-being. The said Status Report is taken on record.

6. Mr. Sanjay Lao, Id. Standing Counsel (Criminal) has connected with Ms. Poonam through video call. She and her daughter have appeared virtually. Ms. Poonam has confirmed that if the husband comes to her parental house, she would be willing to go back to her matrimonial home alongwith their child.

7. The Petitioner-husband has also assured this Court that there would not be any ill- treatment of his wife in the matrimonial home. The Petitioner has also submitted that he lives in a joint family on the ground floor, however, for the wife there is a separate unit on the first floor, where she can come and live with him.



8. In view of the above position, it is directed that the Petitioner may visit the parental home of his wife at District Pratap Garh, Uttar Pradesh, and after meeting her family, he can bring his wife and daughter back to the matrimonial home.
9. The Police Authorities from the P.S. Mahesh Ganj, District Pratap Garh, Uttar Pradesh, shall depute a Police Constable to accompany the Petitioner when he visits his wife's parental home.
10. The petition is accordingly disposed of in the aforesaid terms.
11. Pending application(s), if any, also stands disposed of.
12. Order *dasti*.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

JULY 30, 2024/bsr/ns