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

+ **W.P.(CRL) 2370/2024, CRL.M.A. 23124/2024 & CRL.M.A. 23125/2024**

DR ANJU SHARMA

.....Petitioner

Through: Counsel alongwith petitioner in person.

Versus

STATE OF NCT OF DELHI AND ANOTHERRespondents

Through: Mr. Sanjay Lao, Standing Counsel (criminal) for the State with Ms. Priyam Agarwal and Mr. Abhinav Kr. Arya, Advocates.
Counsel alongwith Respondent no. 2 and minor child in person.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

% **13.08.2024**

1. This hearing has been done through hybrid mode.
2. The present *habeas corpus* petition has been filed by the Petitioner - Dr. Anju Sharma under Article 226 of the Constitution of India read with Section 528 of the BNSS, seeking directions for the production of her son before the Court, who was born on 5th September, 2014.
3. Petitioner's case is that she has not met her son since January 2022. Various allegations are made in the petition against the Respondent No. 2- Lalit Dutta, but for the present purposes, it is sufficient to note that the Petitioner presently lives in Jaipur, Rajasthan with her family. Petitioner's son - Master 'V' presently lives with Respondent No. 2, i.e., his father and grandfather in Sector-3 Rohini, New Delhi. He currently studies in 5th standard in a school situated in Rohini, Sector-23.

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4. On the last date of hearing, i.e., 7th August, 2024, this Court had directed as under:-

“10. The Petitioner is concerned with the well-being of her son whom she has not met with for more than three years. Accordingly, Respondent No.2 along with the son be produced before this Court on the next date of hearing.

11. The Petitioner shall also be present on the next date of hearing.

*12. In the meantime, a progress report be called for from the Court of Ms. Preeti Rajoria, MM/Mahila Court 2 North West District/Rohini Delhi of case no. **CT. CASES/2509/2024** titled, **Anju Sharma v. Lalit Dutta.**”*

5. As per the aforesaid directions, the Petitioner, the Respondent No. 2 and the son Master ‘V’ are present before the Court. The Court interacted with them in Chamber.

6. From the interaction, it is clear that the child does not have any discomfort with the Petitioner- mother. He is also comfortable living with his father and grandfather. His academic record from his school has been shown to the Court, which is also quite good. The child is also involved in sports.

7. Vide order dated 04th August, 2023 passed in **Case no. 35/2022 & CIS No. 255/2022** titled ‘**Dr. Anju Sharma v. Lalit Dutta**’ concerning proceedings under Protection of Women from Domestic Violence Act, 2005, the Id. Additional Senior Civil Judge and Chief Metropolitan Magistrate No. 9, Jaipur City (*hereinafter, ‘Jaipur Court’*), had directed, as recorded in the previous order, that the child would be brought to the Court premises on the first Saturday of every month from 1 PM to 4 PM.



8. Thereafter, the Respondent No. 2-husband filed a petition before the Supreme Court seeking transfer of the said matter to Delhi. Vide order dated 10th January, 2024 in *T.P.(Crl.) 732/2023* titled *Lalit Dutta v. Anju Sharma*, the Supreme Court transferred the Jaipur proceedings in *Case bearing No. 255 of 2022* titled '*Dr. Anju Sharma v. Lalit Dutta & Ors.*' to the North-West District Rohini Courts, Delhi.

9. A status report dated 9th August, 2024, was filed which noted that the Petitioner filed execution proceedings under Protection of Women from Domestic Violence Act, 2005, and a contempt petition, as Respondent No. 2 had not been complying with the order dated 4th August, 2023 passed by the Jaipur Court.

10. On the previous date of hearing i.e., 7th August, 2024, a progress report was sought from the Mahila Court-2, North-West District/Rohini Delhi, which has also been received on 12th August, 2024.

11. As per the status report received from the JMFC (Mahila Court 2), North West District, Rohini Courts, Delhi the matter was simply adjourned to 3rd September, 2024. Since the time the proceedings were received in the Mahila Court February 2024, no steps have been taken by the concerned Judge in the Family Court to either ensure compliance of the earlier visitation order passed by the Jaipur Court or to put in place some arrangement for the Petitioner to meet the child. Such a course of action in matters involving children and their families ought not to be followed by the Family Courts and steps ought to be taken as per law for bringing about some interim resolution between parties.

12. After interacting with the parents, the Id. Counsels for the parties and the child concerned, the following interim arrangement is put in place:-



- i. The Petitioner-mother is free to periodically meet the child on weekends after coordinating with the Respondent No. 2-husband at least twice a month at a neutral venue. Respondent No. 2 may accompany the child, but shall only be in the vicinity, and shall permit the mother to enjoy the company of the child for at least 4 hours.
 - ii. The child's birthday is on 5th September, 2024. The Court has ascertained the wishes of the child, and he is happy that both his parents would organise an event for his 10th birthday with his friends. The parents i.e., the Petitioner and the Respondent No. 2 shall do the needful, accordingly. Respondent No. 2 has agreed to bear the expenses of the birthday party of the child. The child has expressed his wish for the birthday to be hosted at Pacific Mall, to which the Respondent No. 2 has agreed. The Petitioner may be present throughout the birthday party without any time restrictions.
 - iii. If the child is comfortable traveling with the mother to meet his maternal grandmother (*nani*), the Respondent No. 2 shall not object to the same, in which case, the child may spend even weekends with the mother in Ghaziabad, whenever the child chooses to do so.
13. The above arrangement has been passed with the consent of the parties and shall supersede the earlier order dated 4th August, 2023 passed by the Jaipur Court.
14. For the time being all the pending proceedings, i.e., all civil and criminal proceedings pending between the Petitioner and Respondent No. 2, shall be simply adjourned by the respective Courts.



15. At this stage, it also appears that the parties may be able to resolve their disputes amicably. Accordingly, they are directed to appear before the Delhi High Court Mediation and Conciliation Centre (*hereinafter, 'Mediation Centre'*) along with their respective counsels, if so advised, on 28th August, 2024 at 3:00 pm.

16. The Mediation Centre shall appoint a seasoned Mediator, preferably well versed with matrimonial cases, to assist the parties in arriving at an amicable resolution of all the outstanding disputes pending between the Petitioner and the Respondent No. 2.

17. This interim arrangement shall continue in operation till 31st December 2024 or until a settlement is arrived at, whichever is earlier. If the matters are resolved, then the parties shall be bound by the said mediation settlement entered into before the Mediation Centre, failing which the parties shall be free to pursue their remedies and shall be bound by any order passed by the competent court.

18. Let a copy of the order be sent to the Secretary, Delhi High Court Mediation and Conciliation Centre, for information and compliance. Further, let a copy of the present order be also communicated to the concerned Mahila Court-2, North-West District, Rohini Courts, Delhi.

19. The present petition is accordingly disposed of in the above terms. Pending application(s), if any, also stand disposed of.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

AUGUST 13, 2024/sn/dn

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