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

+ **W.P.(CRL) 2394/2024 & CRL.M.A. 23425/2024**

NITIN AGGARWAL

.....Petitioner

Through: Ms. Malavika Rajkotia, Mr. Abhay
Pratap Singh, Ms. Nikita Agrawal, Ms.
Mitali Umat and Ms. Sara Singh, Advs

versus

STATE OF NCT OF DELHI AND ORS

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Crml.) with Ms. Priyam Aggarwal &
Mr. Abhinav Kumar Arya, Advs.
SI Sachin Dhanga, PS Shalimar Bagh.
Mr. Sudanshu Batra, Sr. Adv. with Mr.
Jagjit Singh Sahni, Mr. Gurpreet Sahni
& Mr. Amanpreet Singh, Advs. for R-
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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 under Article 226 of the Constitution of India read with Section 528 of the BNSS has been filed by the Petitioner-Nitin Aggarwal *inter alia* seeking directions to Respondent No. 2- Nitika Aggarwal (i.e., Petitioner's wife) to produce his son, Master 'X'.
3. The Petitioner's son was born on 9th October, 2012. Respondent No.2 is his wife (mother of the child). According to the Petitioner, there is matrimonial discord between them.
4. The Petitioner's case is that he, along with his wife and child, were



living in Charmwood Village, Surajkund, Faridabad. Sometime in April 2024, Respondent No. 2, his wife, moved to her brother's home in Shalimar Bagh, Delhi.

5. According to the Petitioner, Respondent No. 2 has been ill-treating their child during the period of 2023-2024 and has also exhibited abusive behavior towards the child. Video clippings of Respondent No. 2 physically and verbally abusing the child have been filed, which the Petitioner showed to the Court.

6. On the last date of hearing i.e., 8th August, 2024, notice was issued to Respondent No.2, and she was directed to appear with the child.

7. Today, Respondent No. 2-Dr. Nitika Aggarwal along with Master 'X', her son, have appeared in Court. She is duly represented by counsel as well.

8. The Court has interacted with both the parents i.e., the Petitioner, Respondent No. 2, and the child. Respondent No. 2's brother (*hereinafter*, 'mama') is also present. It is the confirmed position that Dr. Aggarwal is currently living with her son in her brother's house in Shalimar Bagh. From the Court's interaction with the child and the parents, it appears that the child is clearly comfortable in his maternal uncle's house i.e., *mama's* house, where he is living with his mother. The child informed the Court during the interaction that, although his mother used to scold him in the past when the parents were living together in Faridabad, in recent months, after moving to his maternal uncle's house, he has been quite comfortable with his mother.

9. The child and the Petitioner-father had interacted in Chamber, but the child is clearly uncomfortable in interacting with his father.

10. Thus, considering the fact that the child has been produced, and the child has met the Petitioner-father, no further orders are required to be passed,



at this stage. The Petitioner did not agree to any interim arrangement to be put in place by the Court in order to enable the Petitioner to meet the child.

11. However, if the Petitioner wishes to avail of his remedies under the Guardians and Wards Act, 1890, or for visitation rights, he is free to avail the same in accordance with law.

12. At the juncture, the Respondent No. 2-mother has also assured the Court that she would not ill-treat or verbally or physically abuse the child in any manner whatsoever.

13. Ld. Counsel Ms. Priyam Aggarwal appearing for the State pointed out a disturbing feature in the present writ. Various videos which allegedly display the child being abused physically and verbally by the mother, have been disseminated in public domain. These videos are openly available on various news portals and channels. The links to these videos are annexed at **‘Annexure P/8 (Colly)’** to the present petition. The said list is attached to this order as Annexure. If any further links come to the knowledge of the mother, the links be communicated to the IO who shall write to the concerned platform for taking them down.

14. Considering that the child is of tender age and studying in 7th standard, and the visibility of such videos would completely traumatize the child, in view of the best interests of the child, this Court directs that all the videos and links which show the Respondent No. 2-mother and the child, shall be taken down in accordance with the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (*hereinafter, ‘IT Rules’*). It is made clear that the Petitioner shall not upload any videos, images or any other content concerning the Respondent No. 2 or the child on any online or social media platform. Uploading such content would be violative



and actionable in law.

15. The concerned IO shall communicate today's order to all the intermediaries, news channels, online portals to take down these links and videos, within a period of 72 hours in terms of the IT Rules.

16. The present petition is disposed of in these terms. All pending applications are also disposed of.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

AUGUST 13, 2024

Rahul/dn



Annexure

Links to the coverage of this story by various news channels

1. https://www.amarujala.com/delhi-ncr/faridabad/video-of-beating-of-innocent-child-surfaced-case-registered-against-doctor-mother-faridabad-news-c-26-1-gnd1001-24654-2024-05-15#google_vignette
2. <https://www.bhaskar.com/local/haryana/faridabad/news/haryana-husband-wife-dispute-cctv-footage-faridabad-133028821.html>
3. <https://www.indiatoday.in/india/video/faridabad-mother-beats-son-domestic-abuse-2544757-2024-05-28>
4. <https://navbharattimes.indiatimes.com/state/punjab-and-haryana/faridabad/faridabad-video-of-beating-child-father-serious-allegations-against-doctor-mother-know-whole-matter/articleshow/110183597.cms>
5. <https://www.news18.com/india/on-cam-mother-caught-brutally-beating-11-year-old-son-in-faridabad-father-files-complaint-8907410.html>
6. <https://news24online.com/trending/273219-shocking-mother-brutally-beats-11-year-old-son-in-faridabad-father-takes-legal-action/273219/>
7. <https://haryana.punjabkesari.in/haryana/news/woman-brutally-beats-her-11-year-old-son-1982276>
8. <https://www.republicworld.com/india/faridabad-wife-brutally-beating-11-year-old-son-goes-viral-husband-exposes-horrific-incident>



9. <https://www.timesnownews.com/india/woman-caught-on-cctv-brutally-beating-11-year-old-son-husband-files-complaint-video-article-110499443>
10. NDTV - 9am <https://www.youtube.com/watch?v=vuVR1ZEEq4k>
11. NDTV - 5pm <https://www.youtube.com/watch?v=6-dCdcU6Eow>