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

+ **W.P.(CRL) 2410/2024**

SMT HAZRA BEGUMPetitioner

Through: Mr. Murari Choudhary, Adv.

versus

THE STATE NCT OF DELHI AND ORS.Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) with Ms. Priyam Aggarwal &
Mr. Abhinav Kr. Arya, Adv. for
State.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

% **27.08.2024**

1. This hearing has been done through hybrid mode.
2. The present petition under Article 226 of the Constitution of India read with Section 482 of the CrPC has been filed seeking writ in the nature of *Habeas Corpus* by the wife-Ms. Hazra Begum, seeking production of her husband-Mohd. Aslam Khan who has abandoned her and their two children.
3. The case of the Petitioner is that she has filed a maintenance petition bearing No. *Mt. No. 539/2019* under Section 125 of the Cr.P.C. seeking maintenance. The said petition is stated to be pending before the learned Family Court, Tis Hazari Courts, however, the husband is not traceable. She only had a phone conversation with him.
4. However, in the previous order dated 8th August, 2024, the Investigating Officer stated that the present petition is not maintainable as the



Petitioner is well aware of the fact that her husband is living in Gurugram and is working as a tailor.

5. A Status Report dated 27th August, 2024 has been handed over in Court today as per which the husband of the Petitioner has been traced on the mobile number provided by the Petitioner. The husband informed the police that he is working in Gurugram, Haryana as a tailor and according to him, in terms of order dated 8th August, 2024, his statement was also recorded. He further claims that he is paying Rs. 7,000/- to the Petitioner as maintenance.

6. On a query from this Court, as to when did he last pay the sum of Rs. 7,000/- to the Petitioner, he states he had last paid during the Covid-19 lockdown and thereafter, he has not paid.

7. He has also given the address where he is presently residing along with his contact details, the same are as under:-

***“AC Nagar Jhuggi, Neelam Bata Chowk,
Ram Dharam Kanta,
Faridabad (Gujar Chowk)
M- 9971519917.”***

8. He has further undertaken to appear before the concerned Family Court and pay the outstanding maintenance. He has been cautioned that he should ensure that he would follow the orders passed by the Family Court, failing which the Court would be free to take coercive measures against him.

9. A copy of the petition *i.e.*, ***Mt. Case No. 539/2019*** has been supplied to the husband who undertakes that he would appear before the said Court NO.8, Tis Hazari Courts, Delhi, on 30th September, 2024.



10. The present writ petition is disposed of in these terms.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

AUGUST 27, 2024
nk/ks