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

+ **W.P.(CRL) 2435/2024**

MEENU

.....Petitioner

Through: Mr. Dushyand Bhargava, Mr. Pawan Mehta, Mr. Satish Sharma, Mr. Sachin Yadav, Mr. Vikram Singh Nayal & Mr. Manan Sharma, Advs.

versus

THE GOVT. OF N.C.T. OF DELHI & ORS.Respondents

Through: Mr. Sanjay Lao, Standing Counsel (Crl.) with Ms. Priyam Aggarwal & Mr. Abhinav Kumar Arya, Advs.
Insp. Rajpal Meena & ASI Kulbir, P.S. Bindapur.
Mr. Nikhil Chhoker, Adv. for R-4 to 6.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

% **27.09.2024**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed on behalf of the Petitioner – Ms. Meenu under Article 226 of the Constitution of India read with Section 482 Cr.P.C. seeking issuance of a writ of *habeas corpus* for production of her minor daughter-Ms. ‘A’ who has been allegedly taken away by Respondent No.4 – Mr. Veer Singh @ Bir Singh who is stated to be the Petitioner’s father-in-law and Respondent No.5 – Mrs. Indira Devi *i.e.*, the mother-in-law of the Petitioner and Respondent no. 6-Mr. Jeet Kumar, *i.e.*, husband of the Petitioner.
3. *Vide* order dated 12th August, 2024 notice was issued to Respondent No. 6 - Jeet Singh, husband of the Petitioner to appear before the Court on the

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next date of hearing along with the minor daughter of the Petitioner. On 10th September, 2024 the Respondent No. 6 failed to appear before the Court along with the minor child and accordingly, bailable warrants were issued against the Respondent No. 6 to secure his presence on the next date of hearing.

4. Today, the Respondent No.6 is present along with the Petitioner's minor daughter-Ms. 'A'. The Respondents No. 4 and 5 *i.e.*, father-in-law and mother-in-law of the Petitioner, respectively, as also the Petitioner, are present before the Court.

5. The Court has met and interacted with the child-Ms. 'A' as also the Petitioner and her husband - Respondent no. 6 in chambers. The Court has also interacted with the *dada-dadi* of Ms. 'X', *i.e.*, Respondents nos. 4 – 5.

6. Ms. 'A' has stated that she is currently studying in 1st Standard in the Government Primary School, Rampur, Bushahr, Himachal Pradesh and she is living with her paternal grandparents and her father.

7. The Petitioner on the other hand is stated to be living in Uttam Nagar, New Delhi with her *mausi-mausa*. She claims that her sister and brother are also living there.

8. On interaction, it is observed that the child-Ms. 'A' is quite comfortable in her present home in Himachal Pradesh where she is living with her paternal grandparents and father, *i.e.* Respondent nos. 4-6.

9. Under such circumstances, considering the well-being and best interest of the child, the child-Ms. 'A' shall continue to remain in the paternal grandparents' house along with the father. The child shall also continue her education over there.

10. Whenever the Petitioner wishes to visit her minor daughter, the Respondents No. 4 to 6 shall permit her to visit the child-Ms. 'X'. Further, if



the Petitioner wishes to take Ms. 'X' overnight and stay with her parents in Manali, the same shall be permitted for two nights on a monthly basis.

11. The above arrangement shall be subject to any orders which shall be passed by the competent Court under the Guardians and Wards Act or any other competent court.

12. Petition is disposed of in these terms.

13. Pending application(s), if any, also stand disposed of.

PRATHIBA M. SINGH, J

AMIT SHARMA, J

SEPTEMBER 27, 2024

Rahul/ms/Pc