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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 2443/2024 & CRL.M.A. 23852/2024

MRS. SARABJEET KAUR

.....Petitioner

Through: Mr. Palvinder Singh, Mrs. Pritee Sirohi, Mr. S.W. Nomani, Mr. Akshit Aggarwal and Mr. Sudhanshu Tiwari, Advocates (M - 9968507844, 7838511934) alongwith Petitioner in person.

versus

GOVT. OF NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel (criminal) for the State with Ms. Priyam Agarwal, Advocate.
Mr. M.K. Singh and Mr. Surjeet Singh, Advs. for R-2 with R-2 in person .

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

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06.09.2024

1. This hearing has been done through hybrid mode.
2. The present petition has been filed on behalf of the Petitioner-Mrs. Sarabjit Kaur seeking issuance of a writ of Habeas Corpus for the production of her son before this Court who is alleged to have been taken away by her husband *i.e.*, Respondent No.2 on 13th July 2024.
3. According to the Petitioner, she was ill-treated by the Respondent No.2 and further, by her in-laws, and has therefore filed a complaint. However, the same is still pending.
4. A brief background of the case as stated in the petition is that the Petitioner and the Respondent No. 2 were married on 15th September, 2021.



Further, out of the said wedlock, a child was born in the year 2022. It is the allegation of the Petitioner that on 13th July, 2024 the Petitioner's minor son aged about 1 year and 8 months was taken away from her by the Respondent No. 2 in collusion with the Petitioner's father in law. Hence, this petition.

5. *Vide* order dated 12th August, 2024, the Court directed the Respondent No.2 and the minor child to be present in Court. Today, Respondent No. 2 – Mr. Muninder Singh is present in Court and submits that the child could not be brought to Delhi as he was unwell.

6. Learned Counsel appearing on behalf of the Petitioner submits that since the time the child is separated from the mother he has remained ill. Learned Counsel for the Respondent submits that though the Respondent had filed a petition for divorce, the Respondent is willing to abide by the settlement which was entered into on 25th April, 2024, between the parties, before the Panchayat. The terms of the said settlement are set out below:-

- “1. The dispute between Muninder Singh and his wife resolved in presence of both the families before the Panchayat.*
- 2. Sarabjeet Kaur will resides with Muninder Singh and she will have not any difficulty and Muninder will provide all her need and expenses.*
- 3. And if Muninder Singh doesn't obey this understanding then his relative Swaran Singh and Gurbakat Singh also responsible.*
- 4. Any Car EMI and other expenses that is also born by Muninder Singh.*
- 5. And if Sarabjeet Kaur refuse to resides with Muninder Singh then her father Harvinder Singh and witness Sardr Inderjeet Singh will be responsible.”*

7. Respondent No. 2 who is present in person has informed this Court that the divorce petition has been withdrawn and he has no objection in accepting



the wife back into the matrimonial home. Ld. Counsel for the Petitioner submits that she is not aware if the divorce petition is withdrawn. The Petitioner however, has no objection in going back to the matrimonial home if the divorce petition is withdrawn, in the interest and well-being of the child.

8. Accordingly, it is directed as under:-

- i) Since the divorce petition of Respondent No.2 is stated to have been withdrawn, the Petitioner is free to go back to her matrimonial home;
- ii) Respondent No.2 has assured this Court that he will not indulge in any ill treatment or any kind of violence against the Petitioner. He also assures that he would not move the child from the matrimonial home *i.e.*, Majra Singpura, Raas Dadiya, Silai Baragaon, Bilak Silai Baragaon (Silai), Rampur, UP, without the Petitioner's consent. Respondent No.2 shall be bound by this undertaking;
- iii) Respondent No.2 also assures this Court that he has no objection if the Petitioner pursues her higher studies.
- iv) If there are any future disputes between the parties, they are free to avail of their remedies in accordance with law.

9. Respondent No.2 has assured this Court that he would take the Petitioner from Delhi to Rampur, UP, today itself safely.

10. Copy of this order be communicated to the Senior Superintendent of Police, Rampur, Uttar Pradesh so that the SHO of the local police station can enquire about the well-being of the Petitioner and her child at least once a week for the next six months.

11. In view of the above directions the present petition is disposed of.



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

PRATHIBA M. SINGH, J

AMIT SHARMA, J

SEPTEMBER 06, 2024/sn/sc/ks