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

% ***Date of decision: 08.01.2024***

+ **W.P.(CRL) 26/2024**

M Petitioner

Through: Mr.Pravesh Kumar & Mr.Vikash
Sherwal, Advs. with petitioner in
person.

versus

STATE NCT OF DELHI AND ANR Respondents

Through: Mr.Sanjay Lao, Standing Counsel
(Crl) with Ms.Priyam Agarwal &
Mr.Abhinav Kr. Arya, Advs.
SI Sohan Thakur PS Jyoti Nagar.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

Crl.M.A. 237/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. Present petition has been filed as Habeas Corpus under Article 226 of the Constitution of India read with Section 482 Cr.P.C. seeking directions to the respondents to produce missing 3 ½ months minor child of the petitioner.



4. Pursuant to order dated 04.01.2024, petitioner's husband has been produced by respondent/State before this Court who submits that their child is with him. He has reportedly come from Khekada, District Baghpat, Uttar Pradesh and submits that the child is of very tender age of around four months and he has not brought the child to the Court today on account of acute chilly weather.

5. Admittedly, there is matrimonial discord between the parties and when enquired, the petitioner expressed her inability to reside with her husband.

6. Since the child is with the husband of the petitioner who is otherwise a natural Guardian and there is nothing to indicate any illegal detention, we refrain from passing any order in the present petition and the same is, accordingly, disposed of with the liberty to the parties to approach the learned Family Court as per law.

(SURESH KUMAR KAIT)
JUDGE

(MANOJ JAIN)
JUDGE

JANUARY 08, 2024/ab