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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2870/2024**

RUCHIKA ARORA

.....Petitioner

Through: Mr. Indresh Upadhyaya, Mr. Amit
Negi, Md. Faraz, Mr. Vidur Mohan &
Mr. Kaushal Kumar Singh, Advs.
(M:8010041010)
Petitioner in person.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel
(Criminal) for the State with Ms.
Priyam Aggarwal & Mr. Abhinav
Kumar Arya, Advocates.
Insp. Chandra Shaker, P.S. Rani Bagh.
Mr. Devanshu Sharma & Ms. Simran
Chawla, Advocates for R-2 & 3.
Mr. Shyam Sunder Dhingra alongwith
his wife Ms. Veena Dingra &
Daughter-Ms. Neha Dhingra in
person.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

% **19.09.2024**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed on behalf of the Petitioner- Ruchika Arora under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarika Suraksha Sanhita, 2023 seeking issuance of a writ of *habeas corpus* for production of her father-Mr. Shyam Sunder Dhingra who according to her, is in illegal confinement of his other family members.



3. It is stated that the Petitioner's father is a senior citizen aged about 73 years and is currently suffering from severe physical and mental illnesses. It is further stated that the Petitioner's father is being ill-treated and neglected by his family members, who have also illegally confined him.

4. A complaint dated 8th April, 2024 was filed by the Petitioner herein under the Mental Healthcare Act, 2017 in which, a detailed enquiry has been conducted and a status report dated 8th May, 2024 was filed. The Id. ACMM has, thereafter, closed the matter after perusing the status report.

5. On the last date of hearing *i.e.* 17th September, 2024 a status report dated 17th September, 2024, along with some photographs, were handed over to the Court, as per which, the Petitioner's father is stated to be in a sound state of mind. The status report along with the pictures were taken on record.

6. Further, on 17th September, 2024, the Court had directed the production of Mr. Shyam Sunder Dhingra to ascertain his well-being .

7. Today, Mr. Shyam Sunder Dhingra is present in Court. He is accompanied by his wife-Ms. Veena Dingra and daughters namely, Ruchika and Neha. The Court has had an in chamber interaction with the parties present.

8. At this point of time, on the basis of Chamber interaction, it can be ascertained that Mr. Shyam Sunder Dhingra is coherent. He has spoken about the kind of food he eats, the schedule he follows on a daily basis, his family members etc. He has informed this Court that he has three daughters namely, Ruchika, Namrata and Neha and the names of his sons'-in-law are Ajay, Amit and Kunal, respectively. He, however, is unable to state the names of his grandchildren, though, he has mentioned that he has granddaughters.

9. Mr. Shyam Sunder Dhingra further stated that he lives in Sudarshan



Park, although currently he is living in Saraswati Vihar, as per the statements of the daughters present. Regarding the properties owned by him, he has stated that he owns a property in Sudarshan Park, two flats in Moti Nagar and one flat in Mussoorie. He has also stated that in the ground and first floor(s) of the residence, he resides with his wife and one daughter Neha. The other daughter, Namrata and her husband live on the second floor. He has also stated that Ruchika used to come to meet him but he has not met her for some time.

10. The Court thereafter, interacted with Mr Dhingra's wife, Ms. Veena Dhingra, as also the Petitioner-Ruchika Arora and one of his daughters, Neha Dhingra.

11. After an interaction with the parties present, the only grievance that the Court is concerned with at this stage, is in respect of the Petitioner and her family meeting with Mr. Shyam Sunder Dhingra regularly.

12. All the parties have agreed that the Petitioner along with her husband and children is free to visit the father every Sunday for two hours.

13. On a query put to the father of the Petitioner, he has stated that he does not have any major issue with the Petitioner as she is his daughter.

14. It appears that there may have been civil proceedings which were pending between the parties in respect of various properties owned by Mr. Shyam Sunder Dhingra, which this Court is not concerned with or has opined about.

15. After interaction with the parties, the parties have agreed for the following arrangement: -

- (i) Ruchika along with her husband and her children is permitted to meet her father *i.e.* Mr. Shyam Sunder Dhingra, at any convenient time



after coordinating with her mother, on every Sunday for two hours.

(ii) The Petitioner has assured this Court that she and her family will not create any untoward incident or indulge in a fight with their other family members, when she visits her father.

(iii) At the time of her visit, the attendant of the father can remain present and if any other family member is present, they shall also ensure that peace in the family is maintained.

(iv) The telephone number of the concerned Investigating Officer has been provided to the wife and the two daughters of Mr. Shyam Sunder Dhingra *i.e.* Ms. Veena Dingra, Ms. Ruchika and Ms. Neha Dhingra. If any issue takes place, they are free to contact the Investigating Officer.

(v) It is further directed that there shall be no audio or video recordings during the said meetings.

16. It is made clear that any person found to be creating any disturbance of the peace during the visit would be liable to be proceeded with strictly in accordance with law including for contempt.

17. With the aforesaid directions, the petition is disposed of. Pending application(s), if any, also stand disposed of.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

SEPTEMBER 19, 2024/bsr