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

+ **W.P.(CRL) 3095/2024**

THAN SINGH

.....Petitioner

Through: Petitioner in person.
versus

THE STATE GOVT.OF NCT OF
DELHI AND ORS.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) with Ms. Priyam Aggarwal &
Mr. Abhinav Arya, Advs., with Insp.
S.K. Chandola PS Pul Prahlad Pur.
Wife Ms. P and daughter Ms. D in
person.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

% **04.10.2024**

1. This hearing has been done through hybrid mode.
2. The present writ petition in the nature of *habeas corpus* has been filed by the Petitioner – Mr. Than Singh under Article 226 read with Section 528 of BNSS, 2023, seeking production of his wife- Ms. ‘P’, daughter Ms. ‘D’, who is in custody of his father-in-law/Respondent no. 2. Upon filing of this writ petition, the police have produced the wife Ms. P and the daughter Ms. D, who is about 4 years of age. The Court has interacted with the Petitioner, wife and daughter in the chamber.
3. The wife-Ms. ‘P’ submits that she has filed a domestic violence complaint against the petitioner-husband, which is now pending in the Family Court, Saket. The notice in the said case has also been served upon

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the Petitioner. However, these facts are not mentioned in the present petition. However, it is admitted by the Petitioner that the notice has been received by his father.

4. The daughter- Ms. 'D' is quite comfortable with the petitioner-father, even during the chamber interactions. The wife submits that now she is living with her father at his home at Badarpur with other three siblings. In the considered opinion of this Court, the fact that the domestic violence case was filed, ought to have been disclosed in this case. Non-disclosure of such vital information shall amount to concealment of material facts.

5. Be that as it may, the Court does not wish to deprive the child from the father/Petitioner. Accordingly, the Petitioner is permitted to visit the child for a maximum of two hours between 11:00 am to 1:00 pm on every alternate Sunday, in the wife's premises where she is living with her father/Respondent no. 2. However, at the time when he visits, he will make sure that no abusive language is used and he shall behave in a decent and proper manner. The said arrangement is subject to any other order passed by the Court of competent jurisdiction.

6. With these observations, the present petition is disposed of.

7. Pending application(s), if any, also stands disposed of.

PRATHIBA M. SINGH, J

AMIT SHARMA, J

OCTOBER 04, 2024/dk/Am/Pc