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

+ **W.P.(CRL) 3178/2024 & CRL.M.A. 30773/2024**

SIDDHARTH KHANNA

.....Petitioner

Through: Ms. Parul Dureja, Mr. Rajan Chutani,
Ms. Meenakshi and Mr. Ashish
Agarwal, Advocates.

versus

STATE NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Criminal) with Ms. Priyam Agarwal
& Mr. Abinav Kumar Arya, Advs.,
with SI Ankit PS Subhash Place.
Mr. Chander Prakash & Mr. Pawan
Kumar, Advs. for R-2.
Mr. Amit Tiwari, (CGSC), Mr.
Chetanya Puri, Advocate for R-3.
(M:9810884689)

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

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14.10.2024

1. This hearing has been done through hybrid mode.

CRL.M.A.30773/2024 (for exemption)

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

W.P.(CRL) 3178/2024

3. The present petition has been filed on behalf of the Petitioner – Mr. Siddharth Khanna under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagrik Suraksha Sanhita ('BNSS') seeking issuance of a writ in the nature of *habeas corpus* for production of his nine



year old minor son, who is now with the mother i.e. Respondent No.2, Ms. Kiara Khanna @ Puneet Bhambani.

4. A brief background of the present case as stated in the petition is that the Petitioner married Respondent No. 2 on 28th October, 2013. Further on 6th July, 2015 a child was born from the said wedlock. The case of the Petitioner is that the Respondent No.2 on 17th April, 2021 has left the matrimonial home with the minor child without the consent of the Petitioner and his family.

5. The record shows that the parties have already availed some of their remedies before the Family Court, Bandra, Mumbai and the Metropolitan Magistrate Court, Borivali, Mumbai. The allegation is that the wife-Respondent No.2 has now shifted to Dubai with the child and he is unable to meet the child.

6. A status report dated 12 October, 2024 has been handed over in Court today and the same is taken on record. The said Status Report reflects that a divorce case is already pending before the Family Court, Bandra, Mumbai and a domestic violence case is also pending before the Metropolitan Magistrate, Borivali, Mumbai.

7. This Court is of the prima facie view that since the parties are already before the Family Court in Mumbai, the Petitioner may seek his remedies in accordance with law in the said Court itself. It is made clear that this Court has not examined the matter on merits *i.e.* either on maintenance, domestic violence, or custody of the child.

8. However, considering the fact that the Petitioner wishes to meet the child, the Counsel appearing for the Respondent No.2 has been queried as to whether the Petitioner's wife-Respondent No.2 has any objection if the



Petitioner wishes to meet the child in Dubai itself, to which Id. Counsel has stated that his client would have no objection.

9. In view thereof, it is directed that if the Petitioner wishes to meet the child in Dubai, he shall give a 15 days' advance notice to the wife-Respondent No.2 after which he can meet the child in Dubai.

10. Id. Counsel for Respondent No.2 submits that the child is continuously in touch with the Petitioner through video call, etc.

11. It is made clear that the video calls between the child and the Petitioner shall continue to be facilitated by Respondent no.2.

12. With these observations, the present petition is disposed of. Liberty to the Petitioner to avail of remedies in accordance with law.

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

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

OCTOBER 14, 2024/dk/rks/pr