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

+ **W.P.(CRL) 3757/2024**

VIJETA SINGH

.....Petitioner

Through: Mr. Akshaya Kaushik and Ms. Jyoti Singh, Advocates alongwith petitioner in person (M-9899847850).

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel (criminal) for the State with Ms. Priyam Agarwal, Advocate.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

% **02.12.2024**

1. This hearing has been done through hybrid mode.

CRL.M.A. 36083/2024 (exemption)

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

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3. The present petition under Article 226 of the Constitution of India read with Section 528 of the BNSS has been filed on behalf of the Petitioner – Vijeta Singh seeking issuance of a writ in the nature of *habeas corpus* for production of her son.

4. It is alleged that her son was removed from her parental home in Meerut, Uttar Pradesh by Respondent No. 2/her husband on 28th October, 2024. Admittedly, the Petitioner was at that time living in her parental home in Meerut, Uttar Pradesh, but it is submitted that the Petitioner has thereafter moved to her sister's residence in Rohini, Delhi since 31st October, 2024.



Thus, she has filed this writ petition before this Court and not in the appropriate High Court.

5. A status report dated 2nd December, 2024 has been handed over in Court on behalf of the Id. Standing Counsel for the State, stating that the child is with Respondent No. 2 (father) and is now enrolled in Amrit Public School, Mau, Uttar Pradesh.

6. Considering the fact that the cause of action (removal of the child from the parental home of the Petitioner) is initiated in Meerut and the child is also currently residing in Uttar Pradesh with Respondent No. 2 (father), this Court does not have the territorial jurisdiction to entertain the present petition. Accordingly, the petition is rejected for want of jurisdiction.

7. The submissions on merits have not been gone into by this Court. However, since the Petitioner states that she has not spoken to her child for some time now, the IO (Delhi Police) may make the Petitioner speak to the child through the father so that she can satisfy herself as to the well-being of the child, while she takes steps to avail of her remedies.

8. The Petitioner is given liberty to avail of her remedies in accordance with law.

9. The petition is dismissed and disposed of accordingly.

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

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

DECEMBER 02, 2024/Sn/Am