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

+ **W.P.(CRL) 3813/2024**

SANIYA

.....Petitioner

Through: Counsel (appearance not given).
versus

THE STATE OF NCT OF DELHI THROUGH SHO PS RANJIT
NAGAR & ANR.Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(criminal) for the State with Ms.
Priyam Agarwal and Mr. Abhinav Kr.
Arya, Advocates.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

ORDER

% **05.12.2024**

1. This hearing has been done through hybrid mode.

CRL.M.A. 36634/2024 (Exemption)

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

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3. The present petition has been filed by the Petitioner/Mother Ms. Saniya under Article 226 of the Constitution of India read with Section 528 of Bharatiya Nagrik Suraksha Sanhita, 2023 seeking issuance of writ in the nature of *habeas corpus* for the production of her daughter who is presently in the custody of her husband.

4. It is seen that the Petitioner had pursued other remedies by approaching the police and subsequently filing an application under Section 156(3) of the Cr.P.C. Admittedly, though the application has been dismissed, cognizance



has been taken in the said case which is currently listed on 05th December, 2024 before the concerned learned Metropolitan Magistrate. The child has been with Respondent No. 2/father since August 2023.

5. Considering these circumstances, Id. Counsel appearing on behalf of the Petitioner seeks leave to withdraw the present petition with liberty to avail of her remedies in accordance with law for custody of the child/visitation before the Court of competent jurisdiction.

6. Leave and liberty granted.

7. The present petition is dismissed as withdrawn and disposed of accordingly.

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

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

DECEMBER 05, 2024/sn/Am