



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRWP No.336 of 2025 (O&M)

Date of Decision: 14.01.2025

Ajay

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Sandeep Balhara, Advocate for the petitioner.

MAHABIR SINGH SINDHU, J.

Present criminal writ petition has been filed under Article 226 of the Constitution read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, *inter alia*, praying for issuance of a writ in the nature of habeas corpus directing the official respondents to get release the detenues (minor children), mentioned in para 1 of the petition, from the illegal custody of respondent No.5.

(2) It is not in dispute that respondent No.5 is the biological mother of alleged detenues. It is also discernible that she had filed a Petition before learned Family Court, Sonipat, titled as “**Uma Versus Ajay**” and which was withdrawn vide order dated 12.12.2024 (P-8) while making statement in the following manner:-

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“States that since respondent has handed over the custody of children to me, thus, I do not wish to pursue with the present petition. Therefore, I withdraw the present petition under Section 25 of Hindu Guardianship and Wards Act.”

(3) On the basis of above statement, the petition was ordered to be withdrawn on 12.12.2024.

(4) Learned Counsel for the petitioner vehemently contends that above statement was not correct; rather based on false assertion.

(5) Be that as it may, learned Family Court has permitted the respondent No.5 to withdraw the petition; therefore, if petitioner is feeling aggrieved, he has the remedy before learned Family Court, Sonipat and/or can challenge the order dated 12.12.2024 as per law.

(6) In view of the above, there is no option, except to dismiss the present petition.

(7) Ordered accordingly.

(8) However, the above observations be not construed as an expression of opinion regarding the custody of minor children in any manner.

Pending application(s), if any, shall also stand disposed off.

14th January, 2025

Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No