



\$~65

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

+ **W.P.(CRL) 457/2025**

BABLI

.....Petitioner

Through: Ms. Mausumi Mishra, Mr. Danish,
Mr. Ajay Tiwari, Mr. Sameer Alam,
Advocates

versus

STATE OF NCT OF DELHI & ORS.Respondents

Through: Mr. Sanjay Lao, Standing Counsel for
the State with Ms. Priyam Aggarwal,
Advocate with Insp. Niraj Kumar, PS
Sarita Vihar

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

%

11.02.2025

CRL.M.A. 4134/2025 (Exemption)

1. Exemption is granted, subject to all just exceptions.
2. The Applicant shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

W.P.(CRL) 457/2025

4. At the outset, it is noted that there is an error apparent in the cause title of the present case, as is being shown in the cause list. The Registry is directed to correct the cause title as “*Babli v. State of NCT of Delhi & Ors.*”
5. Through the instant writ petition, the Petitioner, a widow lady whose husband passed away in 2016 seeks protection from alleged harassment and



threats by her family members. She has two minor daughters, aged 14 and 10 years, and contends that following her husband's demise, she was compelled to reside with her parents. However, during this period, she has allegedly been subjected to continuous threats, harassment, and physical violence at the hands of her father (Respondent No. 2), her brother (Respondent No. 3), and her sister-in-law (Respondent No. 4).

6. Fearing for her life and safety and that of her children, the Petitioner lodged a complaint with the SHO, P.S. Sarita Vihar, on 29th January, 2025. However, no action has been taken on the said complaint.

7. Aggrieved by the inaction of the police, the Petitioner has approached this Court seeking the following prayers:

"To issue necessary writs, orders, or directions against the respondents thereby: -

a) That the present petition is maintainable as the petitioner is a resident of Delhi. And the cause of action arises within the territorial jurisdiction of this Hon'ble Court.

b) to direct the Respondent No. 2-4 to cease and desist from harassing and threatening the Petitioner;

c) to direct respondent No. 2-4 to hand over the custody of the petitioner's children to her.

d) issue a writ of mandamus directing Respondent No. 1 to provide adequate protection to the Petitioner and ensure her safety and security;

e) Pass such other and further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

8. The relief sought in Prayer (a) pertains to the territorial jurisdiction of this Court to entertain the present petition. Since this is a matter of legal submission rather than a substantive relief, no specific direction is required in this regard.

9. As regards Prayers (b) and (d), which stem from the Petitioner's allegations of harassment and threats by her family members, Ms. Priyam



Aggarwal appearing for Mr. Sanjay Lao, Standing Counsel for the State, submits that upon receiving the Petitioner's complaint, the SHO, P.S. Sarita Vihar, has already provided the Petitioner with the contact details of the SHO and the concerned Beat Constable. She further assures the Court that if the Petitioner perceives any imminent threat or requires police protection, she may contact the police officers, and immediate assistance will be provided to ensure her and her children's safety. The above statement is taken on record.

10. As regards Prayer (c), it is well settled that in the absence of the father, the mother is the natural and lawful guardian of minor children under Section 6(a) of the Hindu Minority and Guardianship Act, 1956. The Petitioner, as the sole surviving parent, is legally entitled to the custody of her children. The continued stay of the children at their maternal grandfather's residence, against the wishes of their mother, would amount to unlawful restraint. Therefore, the SHO, P.S. Sarita Vihar, shall ensure that the Petitioner is able to take custody of her children without any obstruction, or resistance from her family members. The SHO or any other senior officer deputed by him shall accompany the Petitioner to facilitate the peaceful transfer of custody. Any attempt to unlawfully restrain the Petitioner or the children shall invite appropriate legal consequences.

11. With the above directions, the present writ petition is disposed of.

SANJEEV NARULA, J

FEBRUARY 11, 2025/ab