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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 621/2025&CRL.M.A. 5760/2025**

PRIYANKA MEENAPetitioner

Through: Mr. Rohit Gupta & Ms. Liza Arora,
Advts. with Petitioner in person.

versus

STATE OF NCT OF DELHI & ORS.Respondents

Through: Mr. Sanjay Lao, Standing
Counsel(Crl.) with Ms. Priyam
Aggarwal & Mr. Abhinav Arya, Advts.
with SIDurgesh, PS Dwarka North.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

ORDER

% **03.03.2025**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed by the Petitioner under Article 226 of the Constitution of India read with Section 528 of Bharatiya Nagrik Suraksha Sanhita, 2023 seeking issuance of a writ in the nature of *habeas corpus* for the production of her three year' old child, who is stated to be in the custody of her husband and her in-laws.
3. It is stated in the petition that the Petitioner was married to the Respondent No. 2-Sunil Kumar on 7th May, 2021. Thereafter, on 2nd February, 2022 a child was born from the said wedlock. However, due to various matrimonial disputes, on 2nd April, 2024 the Respondent No. 2 filed a petition seeking divorce before the Court of Principal Judge, Family Court, Mathura
4. It further stated that the Petitioner has been employed as a primary teacher in Kendriya Vidyalaya Sangathan. She was teaching in Kendriya



Vidyalaya, Dwarka, Sector-5, after which she was transferred to Kendriya Vidyalaya, Jindrah, Jammu, vide a transfer notification dated 26th June, 2024. Further, she was again transferred to Agartala.

5. It is the case of the Petitioner that since the child is very small and she did not wish to cause inconvenience to the child, the child was left in the care of the husband upon her transfer. However, thereafter the husband and his family did not allow the Petitioner to communicate with the child. Hence, the present petition.

6. On 21st February, 2025 it was submitted on behalf of the Petitioner that the child is neither with the husband nor with her and has been kept in Mathura, Uttar Pradesh with the in-laws, thereby bereft of parental care. In view thereof, the Court *inter alia* directed for the child and the husband to be produced before the Court.

7. On the last date of hearing, *i.e.* 25th February 2025, the child and the father did not appear before the court. Accordingly, the Court further directed the concerned police officials to produce the father and the child on the next date of hearing.

8. Today, the father and child have been produced before the Court. The Petitioner is also present.

9. The Court has had an in-chamber interaction with the Petitioner and her husband. The husband-Mr. Sunil lives in Dwarka, Delhi and his native place is Mathura, Uttar Pradesh. He submits that he has already filed for divorce under Section 13 of Hindu Marriage Act, 1955 in Mathura. The Petitioner is stated to have filed a case under the Dowry Prohibition, Act 1961 in Bharatpur, Rajasthan.

10. Clearly, they are having matrimonial discord. The wife, however, does



not want to divorce the husband. The husband is saying that he is willing to explore an amicable resolution.

11. According to the parties, the child has been with the father for the last seven months approximately. The mother has not spent time with the child since January, 2025.

12. After interacting with the parties, it is clear that the Petitioner is working as a teacher in Kendriya Vidyalaya, Agartala. The husband is also having a job of installation of milking machines in Delhi, etc. They are both having matrimonial disputes.

13. The Court is of the opinion, after interacting with the parties, that a Family Counsellor could help them resolve their disputes amicably.

14. Considering the nature of the matter, the following directions are issued:

- i. The child is three years of age and is not yet admitted in school. Accordingly, in the month of March, the Petitioner/mother is free to take the child to Agartala. She has assured the Court that while she is working, her mother would be there to take care of the child at home and she is fully equipped to take care of the child.
- ii. The husband is free to pick up the child from Agartala on 31st March, 2025/ 1st April, 2025 and keep the child with him in the month of April. However, one lady family member of the husband, shall be there to take care of the child along with the husband.

15. In this manner, the child shall spend time with the mother and the father every alternate month.

16. The Delhi High Court Mediation and Conciliation Centre shall appoint a Senior Mediator along with a Family Counsellor who can counsel the couple



and assist them in resolving their disputes.

17. If amicable settlement between the parties is not arrived at, the parties are free to avail of their remedies in terms of law.

18. The above arrangement has been put in place by this Court as an interim measure. However, if the matter is settled, the parties shall be bound by the settlement arrived at, in respect of the custody of the child as also visitation rights. Further, if the matter is not settled, the above arrangement shall be subject to any orders that may be passed by a competent court.

19. The Counsellor may permit either of the parties to also appear virtually but an endeavour shall be made to attend the sessions physically. However, if physical counselling takes place, the child shall also be produced.

20. Insofar as the picking up and dropping of the child from Delhi to Agartala is concerned, the parties shall coordinate between each other to do the same.

21. It is made clear that the parties shall not block each other's phone number and shall remain in touch with each other. When the child is with one of the parents, regular audio or video calls shall also be done with the other parent so as to ensure that the child does not feel separated from either parent.

22. The writ petition is disposed of in these terms with all pending application(s), if any.

PRATHIBA M. SINGH, J.

RAJNEESH KUMAR GUPTA, J.

MARCH 3, 2025

Dj/ck/rks

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