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

+ **W.P.(CRL) 631/2025**

MRS. AMBIKA MEENA

.....Petitioner

Through: Mr. Anuj Kumar Agarwal and Mr.
Paritosh Mandovra, Advs. with
Petitioner in person. (M: 8120862993)

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjay Lao, Standing Counsel
(Criminal) with Ms. Priyam Agarwal
& Mr. Abinav Kumar Arya, Advs.
Ms. Tanya Agarwal and Mr. Gaurav
Kalra, Advocate along with Party-in-
person.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE SAURABH BANERJEE

ORDER

% **24.02.2025**

1. This hearing has been done through hybrid mode.

CM APPL. /2025 (for listing) (to be numbered)

2. This application has been moved on behalf of the Respondent seeking listing of the present matter as the child concerned has been traced. The matter is being taken up for hearing. Accordingly, the application is disposed of.

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3. The present petition has been filed by the Petitioner- Ambika Meena under Article 226 of the Constitution of India seeking issuance of a writ in the nature of *habeas corpus* for production of her 16 months' old minor son, who according to her, had been taken by her husband from the Child Care Centre.

4. The case of the Petitioner is that her marriage was solemnized with her



husband - Mr. Mantesh Kumar Meena on 10th February, 2019 at Rajasthan. The said couple was blessed with a boy on 4th October, 2023. The Petitioner is stated to be a teacher working in the Government Sarvodaya Vidyalaya, Rampura, New Delhi for the last six years. Her husband is also working in the Indian Railways in Delhi as the Deputy Chief Engineer. They both are residents of Ashok Vihar, Delhi.

5. According to the Petitioner, on 17th February, 2025 the minor child was dropped at Kidz Dream World Play School and Day Care in Ashok Vihar, Phase-I, New Delhi and on the same day, the husband had picked up the child from the said place. Since then the husband and the minor are not traceable.

6. The Petitioner is stated to have tried to trace the child and the husband in Rajasthan, which is his native village, However, the husband and the child were not found. Hence, the present petition.

7. On the last date of hearing *i.e.* 21st February, 2025, notice was issued in the present matter and the concerned SHO, P.S. Ashok Vihar was directed to take immediate steps to trace the husband and the child.

8. Today, on special mentioning, the matter has been directed to be listed.

9. The Petitioner, her husband and their child have been produced before the Court today. The Court has had an in chamber interaction with the parties present.

10. From the chamber interaction, the facts which have emerged are that the parties were residing together at 65-B, KD Block, First Floor, Phase-I, Ashok Vihar, North West Delhi, Delhi-110052. Their child is eighteen months of age and is currently being breastfed by the mother. The husband has made various allegations against the wife and the wife in turn, has made allegations against the husband. These allegations are not being gone into.



11. It is alleged by the husband that the wife threatened to commit harm to herself and to the child and, therefore, he was forced to take away the child from the said child care centre so as to ensure his safety. This position is refuted by the wife.

12. The child is presently stated to be living in Dausa, Rajasthan in the native place of the husband where the husband's parents are living along with his brother and extended family. According to the husband, the child has been living with the extended family for the last one week.

13. It is further stated that the husband and the wife are both working in Delhi. The house where they have been residing together in *i.e.*, 65-B, KD Block, First Floor, Phase-I, Ashok Vihar, North West Delhi, Delhi-110052 is in the name of the wife but substantial contribution is stated to have been made by the husband.

14. The Petitioner/wife is willing to shift to a nearby accommodation so that the child can be under '*shared parenting*'. Once the wife shifts to the nearby accommodation, the husband may move into the said Ashok Vihar flat along with his parents.

15. The following interim arrangement is, accordingly, being put in place with the consent of parties.

- (i) The wife shall move into a new accommodation nearby, within a maximum period of thirty days;
- (ii) The husband shall pay to the wife a sum of Rs.15,000/- per month (to be paid by 15th of every month) towards reimbursement of expenses, including the household expenses and rent for the accommodation;
- (iii) The mother shall drop the child to the husband's residence in the morning, before going to school, at around 07:30-08:00 am. She can



thereafter, pick up the child from the husband's residence, on her way back from school;

(iv) On the second and fourth Saturday of each month, the child shall spend the whole day with the father. If the visitation is to be increased, the parties may approach the appropriate Court for the said purpose.

16. It is made clear that both the husband and wife shall not engage in any abusive behaviour towards each other and shall be in constant communication for the well-being of the child.

17. Both the parties are left open to avail their remedies in accordance with law. The above arrangement shall remain in place unless modified by a Court of competent jurisdiction.

18. The petition is, accordingly, disposed of. All pending applications, if any, are also disposed of. Next date of hearing stands cancelled.

19. Order *Dasti*.

PRATHIBA M. SINGH, J.

SAURABH BANERJEE, J.

FEBRUARY 24, 2025/Rahul/nd/rks