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

\+ W.P.(CRL) 1229/2025 and CRL.M.A. 11613/2025 (Exemption)

RAJ KUMAR PRAJAPATI .....Petitioner

Through: Mr. S.K. Tiwary, Advocate.

versus

GNCT OF DELHI THROUGH SHO & ANR. .....Respondents

Through: Mr. Sanjay Lao, Standing Counsel (Criminal) with Mr. Priyam Aggarwal, Mr. Abhinav Kumar Arya and Mr. Aryan Sachdeva, Advocates with SI Mahavir P.S. DBG Road.

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

O R D E R

% **17.04.2025**

1. This is a petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, filed by the father of the two minor children stating that the children are being unlawfully detained by the Respondent no. 2, who is the wife of the Petitioner.

2. The material on record indicates that guardianship petitions being G.P. No. 02/2023, titled ***Shilpi Ram vs. Raj Kumar Prajpati*** and G.P. No. 06/2025, titled ***Raj Kumar Prajapati vs. Shilpi Ram*** have been filed by Respondent no. 2 and Petitioner, respectively, and the same are pending before the Family Court, Central District, Tis Hazari Courts, Delhi.

3. This petition is nothing but an attempt to circumvent the

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proceedings pending before the learned Trial Court. As such, this Court is of the opinion that the correct remedy available to the Petitioner is to proceed with the guardianship petitions which are pending before the Court of competent jurisdiction.

4. In case the Petitioner is aggrieved that his petitions are not being heard, it is open to the Petitioner to take steps to ensure the expedited hearing of the custody petitions.

5. With the foregoing observations, the present petition along with the pending application(s), is disposed of in the aforesaid terms.

SUBRAMONIUM PRASAD, J.

HARISH VAIDYANATHAN SHANKAR, J.

APRIL 17, 2025/ AK

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