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

+ W.P.(CRL) 1263/2025 & CRL.M.A. 12020/2025 (Delay in filing petition)

GAURAV KUMARPetitioner

Through: Mr. Mitthan Lal and Mr. Mohit Dhama, Advocates with petitioner in person.

versus

THE STATE GOVT. OF NCT OF DELHI
AND ORS.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel (Criminal) with Mr. Abhinav Kumar Arya, Ms. Priyam Agarwal and Mr. Aryan Sachdeva, Advocates.
Ms. Priya Vats, Advocate (*Amicus Curiae*).

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN

SHANKAR

ORDER

29.05.2025

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1. The present petition has been filed under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for issuance of writ in the nature of *habeas corpus* directing the Respondents to produce the missing wife and children of the Petitioner, who according to the Petitioner were in illegal custody of Respondent no. 4.

2. On 22.04.2025, notice was issued in the present petition and the State was directed to produce the wife and children of the Petitioner.

3. On the next date, i.e., 15.05.2025, this Court interacted with the Petitioner and his wife. On inquiry, it was revealed that the



Petitioner's younger child was with his wife's sister.

4. On 21.05.2025, this Court directed the State to produce the younger child of the Petitioner.

5. The sister of the Petitioner's wife and the younger child are present in the Court today. This Court has interacted with the Petitioner, his wife, Petitioner's mother, sister of Petitioner's wife and has also met the children of the Petitioner.

6. This Court is of the opinion that the children are not in illegal custody of the Respondent No. 4.

7. The elder child of the Petitioner is with the mother and the younger child of the Petitioner is residing with the sister of the Petitioner's wife.

8. In view of the above, this Court is inclined to dispose of the present petition by making no observations regarding the welfare of the children, which shall be decided in an appropriate petition filed by the Petitioner seeking custody.

9. The present petition, along with the pending application, is disposed of in the aforesaid terms.

10. Since the wife of the Petitioner was not in a position to afford a counsel on 15.05.2025, this Court had requested Ms. Priya Vats, Advocate to assist the Court as an *Amicus Curiae*. This Court appreciates the assistance rendered by Ms. Vats in the present matter.

SUBRAMONIUM PRASAD, J.

HARISH VAIDYANATHAN SHANKAR, J.

MAY 29, 2025/AK/er