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

+ **W.P.(CRL) 1379/2025**

SMT SHIKHA KASLIWAL

.....Petitioner

Through: Mr. Praveen Kumar and Ms. Vini
Pandita, Advocates

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Sanjay Lao (Standing Counsel
(CRL)) with Mr. Abhinav Kumar
Arya, Mr. Aryan Sachdeva Advocates
with SI Sachin Kumar
Mr. Prosenjeet Banerjee, Adv., Ms.
Ajune Singh, Adv. along with
Respondent No.3 and minor child in
person

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN

SHANKAR

ORDER

07.05.2025

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CRL.M.A. 13819/2025

1. This application under Article 226 of the Constitution of India read with Section 528 of BNSS has been filed on behalf of the Petitioner seeking revival of the W.P.(CRL.) 1379/2025.

2. *Vide* Order dated 29.04.2025, this Court had disposed of the Petition being W.P.(CRL) 1379/2025 filed on behalf of the Petitioner by observing that the primary allegation in the Petition is the violation of the Order dated 09.01.2025 passed by the High Court of Judicature for Rajasthan, Bench at



Jaipur in Habeas Corpus Petition No.395/2024. This Court gave a suggestion to the learned Counsel appearing on behalf of the Petitioner that they ought to approach the High Court of Judicature of Rajasthan at Jaipur for seeking redressal of violation of Order dated 09.01.2025 passed by the High Court of Judicature of Rajasthan at Jaipur. However, this Court had also directed the Respondent No.3 i.e. father, to take appropriate steps to ensure that the elder child does not skip his examination and takes them as per schedule.

3. Since the child did not take the examination, the instant application has been filed by the Petitioner for revival of W.P. (CRL.) 1379/2025.

4. In pursuance of the Order dated 29.04.2025 passed by this Court, the Respondent No.3 has also filed an affidavit stating that the son does not want to go to Delhi. The copy of the e-mails/WhatsApp chats has also been filed along with the affidavit. This Court is not giving any observation as to whether these e-mails/WhatsApp chats have been procured or not.

5. Be that as it may, we have interacted with the elder son. He states that he intends to stay in Kota with his father.

6. This Court is of the opinion that the best interest of the child warrants a more detailed scrutiny, and the same ought to be done before the High Court of Judicature for Rajasthan, Bench at Jaipur under whose Orders the custody of children were given to the mother.

7. In view of the above, this Court is not inclined to pass any Orders in the instant application.

8. The application is disposed of.

9. It is made clear that all the rights and contentions of both the parties are kept open to be agitated before the High Court of Judicature for



Rajasthan, Bench at Jaipur.

SUBRAMONIUM PRASAD, J

HARISH VAIDYANATHAN SHANKAR, J

MAY 07, 2025

RJ