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

+ **W.P.(CRL) 1538/2025**

SH. MAYANK VIG

.....Petitioner

Through: Ms. Sagrika Wadhwa, Advocate with
Petitioner in person.

versus

GOVT. OF N.C.T. OF DELHI AND ANR.Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Criminal) with Ms. Priyam Agarwal,
Mr. Abhinav Kumar Arya, Mr. Aryan
Sachdeva, Advocates along with
Inspector Sunder Singh, P.S. Paschim
Vihar.

Respondent no. 2 in person along with
the two minor children.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN

SHANKAR

ORDER

20.05.2025

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1. The present petition has been filed by the Petitioner/father under Article 226 of the Constitution of India read with Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (Section 482 of the Code of Criminal Procedure, 1973) for issuance of writ of *habeas corpus* seeking directions to the Respondent no. 1 to produce his two minor children, who according to the Petitioner are in illegal custody of his wife/Respondent no. 2.

2. Material on record discloses that the marriage of the Petitioner and Respondent no. 2 was solemnized on 24.04.2012. Two children were born out of the said wedlock. The elder child is about ten years



of age and the younger child is about three years of age.

3. Disputes have arisen between the parties. It is submitted that the Respondent no. 2 left the matrimonial house with two children in the month of April, 2025.

4. It is the case of the Petitioner that the present writ petition was occasioned because he received an e-mail dated 28.04.2025 stating that both his children, who were studying in G.D. Goenka School, Paschim Vihar, are not attending the school.

5. This Court had issued notice *vide* Order dated 08.05.2025 and listed the matter today for production of the children and Respondent no. 2.

6. The children and Respondent no. 2 have appeared in Court. We have interacted with the Petitioner and Respondent no. 2 and also with the elder child. The Respondent no. 2 is now staying with her children at her parental house. She is well educated and holds an MBA degree. The Respondent no. 2 has informed this Court that the children had been admitted to Amity International School, Saket.

7. During our interaction with the Petitioner/father, the father assured that he will request G.D. Goenka School to issue a Transfer Certificate *qua* the children so that there is no impediment in the children's education.

8. The Petitioner and Respondent no. 2 have stated that the welfare of the children is paramount on their mind.

9. This Court is of the opinion that since both, the Petitioner and Respondent no. 2, are well educated, instead of wasting their time in litigation, an effort can be made by them to amicably resolve their disputes, which would be in the interest of the children and also for the future of the Petitioner and Respondent no. 2.



10. This Court, therefore, while disposing of the present writ petition and after interacting with the Petitioner and Respondent no. 2, requests Mr. J.P. Sengh, learned Senior Advocate to try to make an attempt to settle the disputes between the Petitioner and Respondent no. 2 and ensure that the welfare of the children is not compromised in the fight between the Petitioner and Respondent no. 2.

11. Learned counsel for the Petitioner is directed to communicate with Mr. J.P. Sengh, learned Senior Advocate to fix a date and time after consulting the counsel for Respondent no. 2, so that mediation can commence under the aegis of the Delhi High Court Mediation and Conciliation Centre.

12. The writ petition is disposed of with the aforesaid directions.

SUBRAMONIUM PRASAD, J.

HARISH VAIDYANATHAN SHANKAR, J.

MAY 20, 2025/AK