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

+ **W.P.(CRL) 1746/2025 & CRL.M.A. 16270/2025**

BABY MISHIKA & ANR.

.....Petitioners

Through: Ms. Sumitra Choudhary, Mr. M.K. Raghav Raman, Ms. Nitya Sharma
Ms. Jasmine Sheikh and Ms. Muskan Rathee, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr Ripu Daman Bhardwaj CGSC
with Mr. Kushagra Kumar and Mr
Amit Kumar Rana, Advs. for UOI.
Mr.Amol Sinha, ASC for the State
with Mr. Kshitiz Garg, Mr. Ashvini
Kumar, Mr. Nitish Dhawan, Ms.
Chavi Lazarus and Ms. & Adv.
Sanskriti Nimbekar, Advs.
Mr Avinash Kumar, Adv. for R-7.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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26.05.2025

1. By way of the present writ petition, the petitioners have prayed for issuance of a writ of mandamus or any other appropriate writ, order, or issuance of direction to respondent nos. 1 and 2 (Union of India and Ministry of Home Affairs), restraining respondent no. 7 from leaving the territory of India without the prior permission of this Court, and from abandoning petitioner no. 1 by depriving her of her rights.



2. It is stated that petitioner no. 2 solemnized marriage with respondent no. 7 on 10.11.2023 at Jhunjhunu, Rajasthan. On 31.01.2024, petitioner no. 2 was issued a residence permit by the British Immigration Department, valid until 31.12.2024, and she joined her husband in the United Kingdom on 06.03.2024. It is alleged that the residence permit was subsequently renewed by the husband, and the original card and credentials are in his custody. Petitioner no. 2 has further alleged that she was subjected to cruelty and domestic violence by her husband and his family. Petitioner no. 1, a female child, was born out of the said wedlock on 13.02.2025 in Glasgow, United Kingdom. However, it is alleged that respondent no. 7 and his family were displeased with the birth of a girl child. It is further stated that on 16.04.2025, the petitioners, along with respondent no. 7 and his family came to India and stayed at the matrimonial home in Jhunjhunu, Rajasthan, where acts of cruelty and domestic violence allegedly continued. The father-in-law of petitioner no. 2 is stated to have returned to the United Kingdom on 12.05.2025, fearing implication in a domestic violence case.

3. The present petition has now been filed on the ground that respondent no. 7, who is a British citizen and biological father of petitioner no. 1, is planning to leave India on 27.05.2025 and intends to 'execute the malafide, unlawful, and discriminatory act of abandonment of both the petitioners.'

4. At the outset, without going into the merits of the case, this Court notes that an FIR has already been registered in this matter at Mahila Thana (Jhunjhunu), District Jhunjhunu, Rajasthan. The learned counsel for the petitioners, however, contends that petitioner no. 2 had also filed a complaint dated 21.03.2025 before the National Commission for Women, Delhi, and more recently, another complaint before P.S. Tilak Marg, Delhi.



It is thus submitted that this Court can exercise jurisdiction and pass appropriate orders.

5. In this regard, it is noted that only complaints have been filed in Delhi (one of which was filed after the first date of hearing before this Court) and no action has yet been taken on the said complaints, nor has any FIR been registered in Delhi. Therefore, at present, no cause of action arises within the territorial jurisdiction of this Court to justify passing an order restraining respondent no. 7 from leaving India. Moreover, the petitioner herself states that the respondent plans to leave India without there being any proof thereof.

6. It is also evident that the parties are residents of Rajasthan, the marriage was solemnized at Jhunjhunu, Rajasthan, and as already noted, an FIR stands registered at Mahila Thana (Jhunjhunu), District Jhunjhunu, Rajasthan. In view of the above, this Court is of the considered opinion that the matter falls within the territorial jurisdiction of the High Court of Rajasthan, and not this Court.

7. The learned counsel for the petitioners has also urged that the matter is urgent and since the petitioners have approached this Court, appropriate relief should be granted. However, in this Court's considered view, and as per the settled law, urgency by itself cannot confer jurisdiction and mere filing of a petition cannot create jurisdiction where none exists. It is clear that the petitioners are aware that an FIR already stands registered at Mahila Thana (Jhunjhunu), District Jhunjhunu, Rajasthan, on the complaint of petitioner no. 2 on the same allegations, and therefore, the appropriate forum would be the competent courts in Rajasthan, including the High Court of Rajasthan, and not this Court.



8. Accordingly, the petitioners are at liberty to approach the High Court of Rajasthan for seeking appropriate reliefs in accordance with law.
9. The present petition is dismissed on the ground of lack of territorial jurisdiction, with the aforesaid liberty.
10. Copy of this order be given *dasti* under the signature of Court Master.
11. The order be uploaded on the website forthwith.

MAY 26, 2025/A

DR. SWARANA KANTA SHARMA, J

[Click here to check corrigendum, if any](#)