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

+ **W.P.(CRL) 2450/2025 & CRL.M.A. 23077/2025**

SHAHEEN SAIFI

.....Petitioner

Through: Mr.Raghav Narayan and Mr.Shiv
Jyoti Sharma, Advs.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr.Sanjay Lao, St. Counsel (Crl.) with
Mr. Abhinav Kumar Arya & Mr.
Aryan Sachdeva, Advs.
Mr.Vikas Sharma, Ms. Manvi
Choudhary, Advs. for R2 with
respondent No.2 in person.
SI Rajesh Kumar and HC Anil, PS
Vijay Vihar.

CORAM:

HON'BLE MR. JUSTICE VIVEK CHAUDHARY

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

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18.08.2025

1. This is a petition under Article 226 of the Constitution of India read with Section 528 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (in short 'BNSS') for issuance of writ in the nature of *Habeas Corpus*, thereby directing the respondents to produce the *corpus*/ daughter of petitioner (ABCD) before this Court and further restoring the custody of baby ABCD with the petitioner and further directing the respondent no.1 to register FIR against respondent nos.2-5 for forcefully kidnapping the daughter of petitioner from her custody or *Habeas Corpus* filed by the mother/wife for the custody of her child who is aged about 7 months.



2. Parties also appear in person.
3. It is stated that both of them have amicably settled their disputes and seek to submit joint affidavit to said effect.
4. Such affidavit is directed to be taken on record.
5. As per affidavit, both the parties have agreed as under:
 - I. *That the parties are the natural and biological parents of minor daughter ABCD.*
 - II. *That by mutual consent, it has been agreed that the due day-to-day care of the minor daughter, temporary custody shall remain with the mother at her parental house situated at F-14, phase-1, Vijay Vihar, Rohini, Sector-7, Delhi-85.*
 - III. *That the mother has no objection to the father visiting and meeting the minor daughter once in a week at her parental house as stated above, and the same shall not be interrupted/objected by the mother and her family members.*
 - IV. *That the father undertakes not to create any unpleasant atmosphere at the parental house of the mother, while exercising his visitation rights.*
 - V. *That the mother and her family members undertake not to perform any religious conversion of the minor child.*
 - VI. *That the any kind of unlawful or illegal practices like “female genital mutilation” will not be performed by the mother or her family members.*
 - VII. *That the safety, security and well-being of the minor child shall be at priority to mother.*
 - VIII. *That this Joint Affidavit-cum-NOC is executed to record the mutual understanding between the parents and to avoid any future dispute in respect of visitation of father, subject to the welfare of the minor child at all times.*
 - IX. *That both the parties shall try to amicably settle down the dispute for the well being of their minor child.*



X. *That both parties undertake to maintain cordial conduct during such meetings and not to cause any physical or verbal disturbance in the presence of the minor child or the family members of the mother.*

6. In view thereof, the petitioner does not press for any further relief and her counsel prays that petition be disposed of in terms of settlement between the parties.

7. Resultantly, the petition stands disposed of as per the above settlement.

VIVEK CHAUDHARY, J

MANOJ JAIN, J

AUGUST 18, 2025/neelam/ht