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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 3038/2025**
SUREPALPetitioner

Through: Mr.Gaurav Patel, Adv. (Through VC)

versus

THE STATE OF NCT OF DELHI & ORS.Respondents
Through: Mr. Sanjay Lao, Standing Counsel
with SI Vishvendra Singh & HC
Hakam Singh, PS- Mayur Vihar.

CORAM:
HON'BLE MR. JUSTICE VIVEK CHAUDHARY
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
13.10.2025

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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*, seeking issuance of writ in the nature of *Habeas Corpus* for production and custody of the minor children of the petitioner from the illegal detention of Respondent No. 3/ “Mrs. K”.
2. Pursuant to Order dated 18.09.2025, Respondent No. 3 was directed to appear before this Court either through video-conferencing or physically or represented through an Advocate.
3. Pursuant thereto, Respondent No. 3 is present in the Court. We have interacted with her and she submits that she is about 37 years old and has studied up to 8th standard.



4. Upon being queried, she submits that she does want to go back to her husband and that there are two children born out of the wedlock, who are residing with her.
5. Admittedly, Respondent No. 3 has expressed her desire not to reside with her husband and since the children are with their mother, there is nothing to indicate any illegal detention.
6. In view of the aforesaid, no further orders are required to be passed in the present petition.
7. Accordingly, the present petition is disposed of.
8. All rights and contentions of parties are left open.
9. The petitioner is at liberty to take recourse to any other judicial remedy, available under law.

VIVEK CHAUDHARY, J

MANOJ JAIN, J

OCTOBER 13, 2025/pk/nc