



2025:DHC:10038-DB



\$~24 & 25

* IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of decision: 13.11.2025+ W.P.(CRL) 3346/2025
SURESH

.....Petitioner

Through: Mr. Varinder Kumar Sharma, Adv.,
Ms. Deeksha Gaur and Ms. Parul
Sharma, Advs.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Sanjay Lao, St. Counsel (Crl) with
Ms. Priyam Agarwal, Adv. with Insp.
Narender, PS-Nangloi.

25

+ W.P.(CRL) 3492/2025
YASH KUMAR

.....Petitioner

Through: Mr. Varinder Kumar Sharma, Adv.,
Ms. Deeksha Gaur and Ms. Parul
Sharma, Advs.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Sanjay Lao, St. Counsel (Crl) with
Ms. Priyam Agarwal, Adv. with Insp.
Narender, PS-Nangloi.**CORAM:****HON'BLE MR. JUSTICE VIVEK CHAUDHARY****HON'BLE MR. JUSTICE MANOJ JAIN****JUDGMENT (Oral)**

1. Present petitions have been filed under Article 226 of the Constitution of India read with Section 528 B.N.S.S., 2023, seeking issuance of writs in the



nature of *habeas corpus*.

2. In W.P. (Crl.) No. 3346/2025, the petitioner, Mr. Suresh, seeks a direction to the respondents to produce his minor grandchild, Master Shivansh, aged about nine months.

3. In W.P. (Crl.) No. 3492/2025, the petitioner, Mr. Yash Kumar, son of Mr. Suresh, seeks a direction to the respondents to produce his wife, Ms. Pooja Kumari, and their minor child, Master Shivansh, who are allegedly in the illegal custody of one Mr. M.R. Arif.

4. Since both the petitions arise out of the same set of facts and involve common questions, these have been taken up together.

5. The brief facts of the case are that petitioner Mr. Yash Kumar who is visually impaired person, got married to Ms. Pooja Kumari on 19.05.2021. It is alleged that since marriage, she behaved indecently with his family members, frequently left the matrimonial home without information, and issued threats of false criminal cases.

6. A complaint was registered by Mr. Suresh on 03.08.2025 at P.S. Nangloi against Ms. Pooja and her behavior.

7. Mr. Suresh had previously filed W.P.(Crl.) No. 3202/2025 as well, whereby Ms. Pooja had stated that she had left her matrimonial home on her own volition and had refused to go back to her husband. The petitioners apprehend that such statement was made by her under pressure.

8. Today, Ms. Pooja, who is 26 years of age, has joined the proceedings through *video-conferencing*. We have interacted with her who states that she has studied up to 12th Class. She submits that she has, voluntarily, left the company of her husband and is residing separately out of her own free will. She has joined the proceedings from Police Station, Bali Gawan, Bihar and



2025:DHC:10038-DB



we are satisfied that her such stand is without any pressure or influence.

9. Admittedly, there is matrimonial discord between the husband and wife and, when enquired, Ms. Pooja expressed her inability to reside with her husband.

10. Since the child is with her mother and there is nothing to indicate any illegal detention, we refrain from passing any further order in the present petitions and the same are accordingly, disposed of with liberty to the parties to approach learned Family Court for seeking any relief in accordance with law.

11. All rights and contentions of parties are, however, reserved.

VIVEK CHAUDHARY, J

MANOJ JAIN, J

NOVEMBER 13, 2025/r/js