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

% *Date of decision: 13th November, 2025*

+ W.P.(CRL) 3725/2025 & CRL.M.A. 33497/2025

MASTER MF & ORS.

.....Petitioners

Through: Mr. Sorabh Dahiya, Mr. Khushboo,
Advocates.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel for
State with Ms. Priyam Agarwal,
Mr. Abhinav Kumar Arya, Advocate
with SI Rajesh Kumar, HC Pradeep,
PS Vijay Vihar. Inspector Daljeet, SI
Ajay, PS North Rohini. SI Rajesh
Mr. Farman Ali, CGSC for UOI with
Ms. Usha Mamnal, GP.
Mr. Pranav Krishna with Mr. Jai
Gopal Yadav, Advocates for
respondent.

CORAM:

HON'BLE MR. JUSTICE VIVEK CHAUDHARY

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T

1. Present petition has been filed under Article 226 of the Constitution of India read with Section 528 B.N.S.S., 2023 and petitioner No.3, *inter alia*, seeks directions in the nature of Habeas Corpus to the respondents to produce his minor sons who have been taken away by his wife.
2. The facts of the case are that petitioner No. 3 was residing in Dubai, UAE, on a work visa, where he met and entered into a relationship with a Philippine national, Mrs. Emma Marco, in the year 2021, and thereafter



solemnized their marriage through a *nikah* ceremony in 2022. Their first son i.e. petitioner No.1, was born on 02.12.2022 in Philippines. The marriage was, later, formally registered on 07.02.2024.

3. Subsequently, when Mrs. Marco conceived again, the couple decided to move to India permanently and their second son, i.e. petitioner No.2, was born on 29.06.2024 at Dr. Baba Saheb Ambedkar Hospital, New Delhi.

4. In December 2024, due to certain marital differences between the couple, Mrs. Marco left the company of petitioner No.3, taking both children, i.e. petitioner Nos. 1 and 2, along with her on 23.12.2024. Petitioner No.3, later, learnt that she had contacted Embassy of Philippines and had left with the assistance of the Embassy.

5. Petitioner No.3 addressed several letters to the Station House Officer, Police Station Rohini, regarding illegal removal of children from his custody and due to inaction on part of police, petitioner No.3 has filed the present petition.

6. The wife of petitioner No.3 has joined the proceedings through *video-conferencing*. Upon Court query, she states that she is presently with the Embassy along with her minor sons. Being an educated woman, she, candidly, submits that she does not wish to live with her husband, i.e. petitioner No.3, and that both her sons are under her care and custody. She further affirms that she is making said statement voluntarily, of her own free will, and without any undue influence or coercion.

7. Learned Standing Counsel for the State also hands over status report dated 13.11.2025. Same is taken on record.

8. Learned counsel for the petitioner, on hearing the stand of wife of petitioner No.3, seeks to withdraw the present petition with liberty to



approach appropriate forum/ Court for seeking appropriate remedy in accordance with law.

9. In view of the above, the present petition is dismissed as withdrawn.
10. Liberty as prayed is granted.
11. All rights and contentions of the parties are reserved.

(VIVEK CHAUDHARY)
JUDGE

(MANOJ JAIN)
JUDGE

NOVEMBER 13, 2025
st/sa