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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(CRL) 123/2026

KHUSHBOO KUMARI

.....Petitioner

Through: Mr.Samarth Krishan Luthra,
Adv. (DHCLSC) with
Mr.Manoviraj Singh, Adv.
along with petitioner in person.

versus

STATE OF N.C.T. OF DELHI & ORS.Respondents

Through: Mr.Sanjay Lao, SC (Crl.) with
Mr.Abhinav Kr. Arya,
Mr.Aryan Sachdeva and
Ms.Priyam Aggarwal, Advs. for
State with Insp. Rajesh Kumar
and SI Tahib Khan, PS Lodhi
Colony.

Respondent no.3 in person
along with minor children.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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16.02.2026

1. This petition has been filed under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking production of two minor children of the petitioner and the respondent no.3.
2. The respondent no.3 has appeared before us along with the two minor children. We have interacted with them.
3. It is an admitted fact that the two minor children were staying in Delhi only with the petitioner from 2021 and, thereafter, with the petitioner and the respondent no.3 since 2024. They were also studying in a school at Delhi until they were taken away by the



respondent no.3 on 09.10.2025. The children presently have not been admitted to any school in Bihar, where they are residing in a village along with the respondent no.3.

4. Keeping in view the overall welfare of the children and especially the fact that they would miss an academic year of their education in case they do not continue with the same school they were studying at in Delhi, we direct the respondent no.3 to hand over the custody of the minor children to the petitioner. However, the respondent no.3 shall have full visitation rights over the children.

5. The parties should also explore the possibility of arriving at a settlement and in case that is not possible, avail of their remedies in accordance with law.

6. We make it clear that this arrangement is being made only for the present academic year and the parties, in case they wish to have their dispute with respect to the custody and visitation rights over the children adjudicated, must avail of their legal remedies for the same. Such proceedings, if initiated, shall be adjudicated without, in any manner, being influenced by the present order.

7. The petition is disposed of in the above terms.

NAVIN CHAWLA, J

RAVINDER DUDEJA, J

FEBRUARY 16, 2026/ns/ik