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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1036/2026**
YOGENDER KUMAR SHARMAPetitioner
Through: **Mr.J. P. Singh, Adv.**

versus

THE GOVT. OF NCT OF DELHI & ORS.Respondents
Through: **Mr.Sanjay Lao, Standing**
Counsel (Crl.) with Mr.Abhinav
Kr. Arya and Mr.Aryan
Sachdeva, Advs. with Insp.
Nagender Nagar and SI Ajay
Kumar, PS Saket

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MR. JUSTICE RAVINDER DUDEJA

% **ORDER**
01.04.2026

CRL.M.A. 9760/2026 (Exemption)

1. Allowed, subject to all just exceptions.

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2. The present Writ 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 a Writ in the nature of Habeas Corpus, directing the respondents to produce the minor son of the petitioner, Master XXX, who is stated to be in custody of the respondent nos. 4 and 5, the respondent no.4 being the wife of the petitioner and mother of the minor child.

3. In the writ petition itself, it is disclosed that matrimonial



proceedings, including a guardianship petition for the guardianship and custody of the minor child, are pending adjudication before the competent courts/family courts and orders have been passed therein. We fail to understand that in view of such circumstances, how the present petition is maintainable. This Court is not a substitute to the family courts and cannot exercise its jurisdiction in the garb of a Habeas Corpus petition.

4. This petition is, accordingly, dismissed, leaving it open to the petitioner to avail of his remedies in accordance with law.

NAVIN CHAWLA, J

RAVINDER DUDEJA, J

APRIL 1, 2026/sg/as