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

+ **W.P.(CRL) 1049/2026**

ANIL

.....Petitioner

Through: Mr.Umesh Sharma, Mr.Munish
Gaur, Mr.Peeyush Kaushik,
Ms.Chaaya Sharma and
Ms.Aastha Phuloria, Advs.

versus

STATE GOVT. OF NCT OF DELHI AND ORS.

.....Respondents

Through: Mr.Sanjay Lao, Standing
Counsel (Crl.) with Mr.Abhinav
Kr. Arya and Mr.Aryan
Sachdeva, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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01.04.2026

CRL.M.A. 9855/2026 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(CRL) 1049/2026

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 and Mandamus and praying for the following reliefs:

*“A. Writ, Order or Direction in the nature of
HABEAS CORPUS, or any other writ, order
or direction in favour of the petitioner thereby*



directing the respondents to handover the custody of the minor girl of the petitioner in terms of orders of this court in WP (CRL) No. 862/2026 and provide full protection to the petitioner, her minor daughter and entire family in future and recommend action against the erring police officers, members of CWC who have snatched the custody of the minor despite specific orders by this court to handover the custody of the minor to the petitioner father.

B. Writ, Order or Direction in the nature of MANDAMUS, or any other writ, order or direction in favour of the petitioner thereby directing the respondents to revamp the child helpline system of phone No. 1098 after holding a detailed enquiry on the complaint dated 25/3/2026 .

C. Writ, Order or Direction in the nature of MANDAMUS, or any other writ, order or direction in favour of the petitioner thereby directing the respondents to pay compensation to the minor for keeping her in illegal custody at Childrens home even after order to handover the custody of the minor child to the parents, the petitioner herein.”

3. We are presented with strange facts wherein by our order dated 23.03.2026 passed in W.P.(CRL) 862/2026, we had specifically directed that the girl, who is aged about 15 years, be given in the custody of her parents, the petitioner herein, who is the father of the girl. In spite of our order, the girl was produced before the Child Welfare Committee-V (North-East & Shahdara) ('CWC') on 24.03.2026, and by the order dated 24.03.2026, the CWC directed the Welfare Officer to provide care and protection to the child and to ensure well-being of the child. The Welfare Officer was further directed to provide counselling and submit a report on the next date,



which is fixed for 10.04.2026. The custody of the child was, therefore, taken from the parents and handed over to the Children's Home.

4. We fail to understand how, in spite of our order granting custody of the child of the petitioner, the said order came to be passed by CWC, taking the custody of the child from them.

5. Be that as it may, we direct that the custody of the child be handed over back to her parents, including the petitioner herein, immediately.

6. At the same time, as far as counselling is concerned, we do not wish to interfere with the same. The learned counsel for the petitioner, on instructions, has assured us that the child will be produced before the Counsellor for the counselling session as and when directed by the Counsellor/CWC.

7. As far as the other prayers made in the petition are concerned, we leave it open for the petitioner to agitate them in appropriate proceedings and/or to be considered by us in appropriate proceedings.

8. With the above directions, this petition is disposed of.

9. *Dasti* under the signatures of the Court Master.

NAVIN CHAWLA, J

RAVINDER DUDEJA, J

APRIL 1, 2026/sg/as