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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 1144/2026
SH VISHALPetitioner
Through: Mr.Aditya Sharma, Adv.

versus

COMMISSIONER OF POLICE AND ORSRespondents
Through: Mr.Sanjay Lao, Standing
Counsel (Crl.) with Ms.Priyam
Agarwal, Mr.Abhinav Kr. Arya
and Mr.Aryan Sachdeva, Advs.
with Insp. Manu Dev and SI
Saurav, PS Sabzi Mandi

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **09.04.2026**

CRL.M.A. 10894/2026 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(CRL) 1144/2026 & CRL.M.A. 10893/2026

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 ('BNSS'), seeking issuance of a Writ in the nature of Habeas Corpus, directing the respondents to produce Ms.Sakshi, the wife of the petitioner.

3. The petition itself discloses that earlier the petitioner and Ms.Sakshi had filed a Writ Petition before the Allahabad High Court, being WRIT-C No. 4692/2026, titled ***Smt. Sakshi Prajapati & Anr. v. State of U.P. & Ors.***, praying for a direction to the respondents



therein, that is, the State of U.P., to not interfere in their peaceful marital life and also for a direction to provide protection. The Allahabad High Court, *vide* Judgment dated 05.02.2026, allowed the same in the following terms:

“7. Considering the facts and circumstances of the case, but without prejudice to the merits of the case, the writ petition is finally disposed off with the direction that the petitioners are at liberty to live together being a married couple and no person shall be permitted to interfere in their peaceful living. In case, any disturbance is caused in the peaceful living of the petitioners, the petitioners shall approach the Senior Superintendent of Police or Superintendent of Police concerned with a copy of this order, who will examine the matter and shall provide immediate protection to the petitioners. The Police authority shall also ensure that an innocent person should not be harassed or humiliated if he/she has not caused any hindrance in peaceful married life of the petitioners.”

4. The petition further discloses that even before the passing of the said order, the custody of Ms.Sakshi had been allegedly handed over by the police officials of Police Station Badaun, UP to the respondent nos.3 and 4 on the intervening night of 01/02.02.2026. A complaint in this regard has been made by the petitioner *vide* letters dated 22.02.2026 and 16.03.2026.

5. Merely because the complaint dated 16.03.2026 is addressed to the SHO, Police Station Sabzi Mandi, Delhi, in our view, would not vest jurisdiction in this Court as the entire cause of action, if any, has arisen within the State of U.P. In fact, the petitioner had earlier approached the High Court of Allahabad and we fail to see any reason



why the petitioner should not again approach the said Court.

6. Even otherwise, on the advance notice of this petition, the learned Standing Counsel for the State has handed over a copy of the Status Report dated 09.04.2026, wherein it is further revealed that a Missing Report bearing No. 02/2026 dated 28.01.2026 was lodged at Police Station, Moradabad, U.P. upon the statement of respondent no.3 regarding his daughter being missing. On such complaint, Ms.Sakshi was produced before the court of learned District Magistrate, Moradabad, U.P. and her statement was recorded and a direction was issued to the competent authority to hand over the custody of Ms.Sakshi to her parents. The custody of Ms.Sakshi was, accordingly, handed over to her parents in compliance with the said order. These facts have also not been disclosed in the present petition.

7. The Status Report filed by the learned Standing Counsel is taken on record.

8. Be that as it may, we find that we lack territorial jurisdiction to entertain the present petition, especially, in light of the above mentioned proceedings.

9. The petition is, accordingly, dismissed, leaving it open to the petitioner to avail of his remedies in accordance with law before the Court of competent jurisdiction.

NAVIN CHAWLA, J

RAVINDER DUDEJA, J

APRIL 9, 2026/sg/as