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

+ **W.P.(CRL) 1282/2026**

AVINASH KAUR

.....Petitioner

Through: Mr. Dinesh Malik, Panel
Counsel, DHCLSC, with Mr.
Puneet Jain, Ms. Kiffi
Aggarwal, Advocates.

versus

THE STATE OF NCT OF DELHI AND ORS.Respondents

Through: Mr. Sanjay Lao, Standing
Counsel (Criminal) with Mr.
Abhinav Kumar Arya, Mr.
Aryan Sachdeva and Ms.
Priyam Agarwal, Advocates.
Mr. Arun Singh, Mr. Hitesh
Kadiyan, Advs. for R-3.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **22.04.2026**

CRL.M.A. 12376/2026 (exemption)

1. Allowed, subject to all just exceptions.

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2. This petition has been filed under Article 226 of the Constitution of India read with Section 528 Bhartiya Nagrik Suraksha Sanhita, 2023 seeking production of the minor son of the petitioner and the respondent no. 3.

3. In the petition, it is stated that the respondent no. 3 has taken



away the child from the custody of the petitioner on 04.04.2026 in violation of the Memorandum of Understanding dated 16.07.2022 wherein the custody was mutually agreed to be vested with the petitioner with only visitation rights for the respondent no. 3.

4. On advance notice of this petition, respondent no. 3 has appeared before us along with the child. We have interacted with the child and the parties. We have also been informed that a Guardianship Petition, being GP no. 39/2026, has been filed by the respondent no. 3 and is listed before the concerned Principal Judge Family Court, South-West, Dwarka tomorrow, that is, 23.04.2026.

5. In view of the above, we do not deem it appropriate to make any observation on the merits that may influence the learned Family Court in the determination of the said petition or any interim orders to be passed therein.

6. Accordingly, we dispose of this petition by requesting the learned Family Court to expedite the hearing on the *interim* custody/visitation rights in the aforementioned Guardianship Petition that is pending before it, preferably within a month of its first listing.

NAVIN CHAWLA, J

RAVINDER DUDEJA, J

APRIL 22, 2026/lks/sk