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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1315/2026**
RUBY SHARMAPetitioner
Through: Counsel (appearance not given)

versus

THE STATE GOVT. OF NCT OF DELHI AND ORS.

.....Respondents
Through: Mr.Sanjay Lao, Standing
Counsel (Crl.) with Mr.Abhinav
Kr. Arya, Mr.Aryan Sachdeva,
Advs.
Insp. Dev Lal, PS-Model Town.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **23.04.2026**
CRL.M.A.12650/2026 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(CRL) 1315/2026 & CRL.M.A. 12651/2026

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, seeking production of Ms.X, the daughter of the petitioner and the respondent no.2, who is aged about 4 and a half years.

3. In the petition itself it is asserted that the petitioner and the respondent no.2 were living together in the domestic relationship, out of which Ms.X was born. It is alleged in the petition that respondent no.2 later, on 16.04.2024, brought the respondent no.3 to the shared household and took away Ms.X. Further allegations are made on the respondent no.2 destroying the mobile phone of the petitioner and



attempting to murder her on 20.12.2024.

4. What is most important is that the petitioner claims that she has filed a complaint with the Police Station Model Town regarding the alleged unlawful custody and concealment of minor daughter Ms.X, on 31.12.2024. The petition, however, does not disclose any further steps being taken by the petitioner for seeking the custody of the minor child.

5. On the query being made to the learned counsel for the petitioner, the learned counsel for the petitioner submits that proceedings have been filed by the petitioner before the learned Metropolitan Magistrate under the Protection of Women from Domestic Violence Act, 2005, in which even custody of the minor child has been sought by way of an application.

6. This fact is not disclosed in the present petition. The petition is therefore liable to be dismissed on the ground of concealment alone.

7. Even otherwise, once the petitioner has availed of her statutory remedy, we do not deem it appropriate to exercise our extraordinary discretionary jurisdiction under Article 226 of the Constitution of India.

8. The petition is accordingly dismissed, leaving it open to the petitioner to avail of her legal remedies in accordance with the law.

9. Pending application is also disposed of as being infructuous.

NAVIN CHAWLA, J

RAVINDER DUDEJA, J

APRIL 23, 2026/Arya/as