



\$~26

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 1347/2026**
PAWAN & ANR.

.....Petitioners

Through: Mr.Sumit Kumar, Mr.Abhishek
Gupta & Mr.Aadesh Kumar,
Adv.

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr.Sanjay Lao, Standing
Counsel (Crl.) with Ms.Priyam
Agarwal, Mr.Abhinav Kr. Arya,
Mr.Aryan Sachdeva, Adv.
Respondent No.2 in-person

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

%

27.04.2026

1. 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 respondent nos. 2 and 3 to produce Master 'S', the child of the petitioners, who is stated to be in the custody of respondent nos.2 and 3.
2. In the petition, it is disclosed that Master 'S' was born on 23.07.2025. It is alleged that by way of an unregistered adoption deed, he was given in adoption by the petitioners to the respondent nos. 2 and 3. The petitioners admit their signatures on this adoption deed and



also the fact that they voluntarily handed over the custody of the minor child to the respondent nos. 2 and 3.

3. It appears that thereafter, some dispute arose between the parties, that is, the petitioners and the respondent nos. 2 and 3, and the petitioner no.2 filed Complaint Case No. 2474/2025 under Section 210 read with Section 223 of the BNSS on 09.12.2025 against the respondent nos.2 and 3. Respondent nos. 2 and 3, on the other hand, also filed a Civil Suit on 12.11.2025, being CS SCJ No. 1476/2025 titled **Manoj Kumar & Anr. v. Pawan & Ors.**, praying for a permanent injunction against the petitioners. We are informed that the said suit is pending adjudication.

4. The learned counsel for the petitioners submits that, as the adoption itself was illegal, the custody of the minor child should be restored to the petitioners.

5. On the other hand, the respondent no. 2, who appears in-person before us, resists this petition.

6. We have considered the submissions made by the learned counsel for the petitioners and the respondent no. 2.

7. The validity of the adoption deed, the circumstances under which the same was executed, and manner in which the custody of the minor child was handed over by the petitioners to the respondent nos. 2 and 3, would require detailed investigation. For the said purpose, as noted hereinabove, the petitioner no.2 has already instituted a Criminal Complaint, while respondent nos. 2 and 3 have instituted a Civil Suit.

8. Given the above facts, we do not deem it appropriate to exercise



our extraordinary discretionary jurisdiction under Article 226 of the Constitution of India in the present petition. The same is accordingly disposed of, reserving liberty in the parties to avail of their remedies in accordance with law.

NAVIN CHAWLA, J

RAVINDER DUDEJA, J

APRIL 27, 2026/rv/ik