$~25 (16.11.2026)

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

\# **CNR No. DLHC010538152026**

\+ W.P.(CRL) 3494/2026

SHUBHAM GARG .....Petitioner

Through: Mr.Sunil Dalal, Sr. Adv. with Mr.Himanshu Yadav, Mr.Jujhar Singh and Ms.Anushtha Mathur, Advs. along with the petitioner and the father of respondent no. 2 in person

versus

THE STATE OF NCT OF DELHI & ORS. .....Respondents

Through: Mr.Sanjay Lao, Sr. Adv. with Mr.Aman Usman, Mr.Abhinav Kumar and Mr.Aryan Sachdeva, Advs. for State with SI Rahul Malik, P.S. Roop Nagar

Mr.Murari Tiwari, Sr. Adv. with Mr.Rahul Kumar, Mr.Radha Raman Tiwari, Ms.Nimisha Gupta, Ms.Pragya Gupta, Mr.Harsh Vardhan Yadav and Mr.Devansh Malhotra, Advs. for R-2

R-2 along with the child in person

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MR. JUSTICE ARUN BHARDWAJ

O R D E R

% 17.11.2026

1. Though this matter was listed on 16.11.2026, in terms of Circular

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No. 110/G-4/Genl.-I/DHC dated 11.11.2026, the same is being taken up today.

2. This 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, directing the respondents to produce the minor child of the petitioner, aged about four years, who is in custody of the respondent no. 2, the wife of the petitioner.

3. Pursuant to the direction contained in the Order dated 05.11.2026, the respondent no. 2 is present in person before us along with the child.

4. Having interacted with the petitioner and the respondent no. 2, we are of the opinion that there are certain matrimonial disputes between them which in the first instance should be given a try to be resolved through the process of mediation.

5. Accordingly, we refer the petitioner and the respondent no. 2 to mediation to be conducted under the aegis of the Delhi High Court Mediation and Conciliation Centre 'Samadhan' (DHCMCC). The parties shall appear before the DHCMCC on 19.11.2026 at 4:00 P.M. In the said mediation proceedings, the respondent no. 2 must bring the child along with her so that the petitioner can have interaction with the child as well. It shall also be open to the mediator to seek further appearance of the parties along with the child for effectuating the said process.

6. In case the parties are unable to arrive at an amicable settlement, they shall be at liberty to avail of their remedies in

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accordance with law.

7. The respondent no. 2 has shared her current residential address with the petitioner. The petitioner shall not visit the said address without the approval of the competent Court or the mediator. In case, in the meanwhile, the respondent no. 2 changes the address, she shall inform the petitioner as also the mediator of the same.

8. The petition is disposed of in the above terms.

NAVIN CHAWLA, J

ARUN BHARDWAJ, J

NOVEMBER 16, 2026/sg/pb

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