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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(CRL) 2014/2024 & CRL.M.A. 31146/2024**
SHRI NISHANT KAPOORPetitioner
Through: Petitioner in person.
versus

STATE OF NCT DELHI & ORS.Respondents
Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) with Ms. Priyam Aggarwal and
Ms. Abhinav Kumar Arya, Advs.
with Insp. Sanjeev Kumar PS Adarsh
Nagar.
Mr. Anurag Ahluwalia CGSC Ms.
Hridyanshi Sharma and Mr. Abhay
Singh, Advs. (M:9811199806)
Mr. Sharad Malhotra, Adv.
Mr. Sajal Manchanda, Adv.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE AMIT SHARMA

ORDER
% **05.11.2024**

1. This hearing has been done through hybrid mode.
2. The Petitioner - Mr. Nishant Kapoor has filed the present writ petition under Article 226 of the Constitution of India read with Section 482 of Cr.P.C. seeking issuance of a writ in the nature of *Habeas Corpus* for the production of his wife and minor son - Master 'P'.
3. It was the case of the Petitioner that he had got married to Ms. Harpreet Kaur on 4th February, 2016. Further, from the wedlock they had a child, Master 'P' on 11th February, 2020. However, there were differences which arose between the parties and subsequently, a petition under Section 25 of the Guardians and Wards Act, 1890 was filed by the Petitioner herein against his



wife. The same was disposed of as settled on 31st January, 2024 vide order of the Family Court, North District, Rohini Court, Delhi.

4. *Vide* order dated 1st August, 2024, the present petition was disposed of with the direction that Ms. Harpreet Kaur shall return to India with the child by 10th September, 2024. The Petitioner was also given the liberty to approach this Court if the wife and son did not return to India on or before the said date.

5. On the last date *i.e.*, 16th October, 2024, the Petitioner sought revival of the aforesaid writ petition on the ground that his wife- Ms. Harpreet Kaur, has not returned to India along with the child by 10th September, 2024. The Court then issued notice to Mr. Anurag Ahluwalia, Id. CGSC, to seek instructions with respect to the details of the passports of Ms. Harpreet Kaur and what steps can be taken in this regard to ensure their presence.

6. Today, Mr. Anurag Ahluwalia, Id. CGSC has entered appearance and submits that he would file an affidavit as to what steps can be taken to ensure the presence of Ms. Harpreet Kaur and the minor child, Master 'P' who are clearly in violation of the order passed by this Court on 1st August, 2024.

7. Let the affidavit be filed by the concerned authorities within two weeks.

8. The Petitioner shall also file an affidavit as to the details of the family members of Ms. Harpreet Kaur and their contact details, if any, which may be available, along with the copies of their identity cards within two weeks.

9. In the said affidavit, the details of the immovable property in Adarsh Nagar, which is stated to belong to Ms. Harpreet Kaur or her family members may also be given. In the meantime, while the said affidavits are being filed, it is directed that no transaction of sale or transfer be permitted in respect of



the property bearing No. A-25, 2nd and 3rd Floor and A-34, 3rd Floor, Kewal Park Extension, Gurunanak Road, Adarsh Nagar, Delhi-110033. This order shall also be served upon the concerned Sub-Registrar of the area.

10. List on 19th December, 2024.

PRATHIBA M. SINGH, J.

AMIT SHARMA, J.

NOVEMBER 05, 2024/dk/pk/ks/sc