

(2025) 01 DEL CK 1731

In the Delhi High Court

Case No : Writ Petition (Crl) No. 224 Of 2025 & Criminal Miscellaneous
Application No. 1833 Of 2025

Nivin

APPELLANT

Vs

State Nct Of Delhi & Anr. & Ors

RESPONDENT

Date of Decision : 22-01-2025

Acts Referred:

Citation : (2025) 01 DEL CK 1731

Hon'ble Judges : Prathiba M. Singh, J; Dharmesh Sharma, J

Bench : Division Bench

Advocate : Sangram Singh, Tripta Sharma, Ankita Mishra, Sanjay Lao, Priyam Agarwal, Abhinav Kumar Arya

Final Decision : Disposed Of

Judgement

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

CRL.M.A. 1833/2025 (for exemption)

2. Allowed, subject to all just exceptions. Application disposed of.

W.P.(CRL) 224/2025

3. The present petition has been filed on behalf of the Petitioner-Nivin Verma seeking issuance of a writ in the nature of habeas corpus for the production of his daughter, who is a minor aged about 11 years. The Petitioner is stated to be the father of the missing child.

4. A perusal of the petition would show that the Petitioner was married to the Respondent No.2 on 11th November, 2007. From the said wedlock, a daughter was born on 19th March, 2014. However, there is matrimonial discord between the parties and various facts have been pleaded in the petition. For the present purposes, though, it is relevant to note that the wife and the child are stated to

have left the matrimonial home on 20th December, 2024 and since then the Petitioner has not met his daughter. Hence, the present petition.

5. Today, the wife and daughter of the Petitioner have joined the Court proceedings virtually. The Court has had an interaction with them. The wife of the Petitioner has informed the Court that there were various threats to her and the daughter which is why she was compelled to leave the matrimonial home. Further, she has filed a domestic violence case which is pending in the Mahila Court in Dwarka. A hearing was also conducted in this matter on 21st December, 2024 in which the Court directed as under:

"Whatsapp chat has been filed by applicant today. Copy of the same be supplied to the opposite party.

Ld. counsel for non applicant is seeking some time to file reply to the present application.

I do not deem it fit to pass any order without going through the reply and hearing arguments on the present application. However, considering the allegations made by the complainant/applicant, respondent/non-applicant is again restrained from committing any act of domestic violence upon the complainant. Complainant is at liberty to reside in the shared household.

In case of any threat of domestic violence, complainant is directed to approach the Protection Officer and SHO concerned (PS Janakpuri) who shall then proceed to assist the complainant in any manner possible without any delay.

Put up for reply/arguments on the present application on 15.02.2025.

At request, copy of this order be given dasti to both the parties."

6. The Court has also interacted with the daughter of the Petitioner. From the interaction, it appears that she is comfortable with her mother. She is enrolled with Mt. Carmel School and studying in Vth standard.

7. It is submitted by the mother that after the winter vacation, she has been unable to send her daughter to the school due to various e-mails and threats which the petitioner was levelling against her and the daughter. She submits that she is in touch with the school to enable the daughter to join the school again.

8. A status report dated 22nd January, 2025 has been handed over to the Court. The same has been taken on record. As per the said status report, the order of the Mahila Court dated 21st December, 2024 has given protection to the wife and the daughter.

9. The Petitioner, who is present in Court, submits that he only wishes to meet his daughter and prays for nothing more.

10. As can be seen from the order passed by the Mahila Court dated 21st December, 2024, the matter is already coming up on 15th February, 2025 before the said Mahila Court. Accordingly, the Court, at this stage, does not deem it fit

to interfere with the ongoing proceedings.

11. In the meantime, the mother submits that she is in touch with the concerned Protection Officer as also concerned the Investigating Officer.

12. In order to ensure that there is no impediment in the daughter's schooling, the Petitioner is directed not to contact her school and to ensure that no e-mails are written to the school.

13. Considering the safety of the mother and the child, the Petitioner is directed not to make any attempt to meet the wife and the daughter. However, the Petitioner is free to seek proper visitation with the daughter before the concerned Mahila Court. The concerned Mahila Court shall consider all the relevant circumstances and pass appropriate orders in accordance with law on 15th February, 2025 for the visitation of the father and how the daughter can keep in touch with him.

14. The Petitioner shall be bound by the statement made in court today that he shall not cause any obstruction or the impediment in the schooling of the child.

15. Petition is disposed of with all pending application(s), if any.