
(2023) 03 P&H CK 0048

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 2441 Of 2023

Sawan Shandil

APPELLANT

Vs

State Of Haryana And Others

RESPONDENT

Date of Decision : 14-03-2023

Acts Referred:

Indian Penal Code, 1860 — Section 34, 323, 406, 498A, 506

Citation : (2023) 03 P&H CK 0048

Hon'ble Judges : Gurvinder Singh Gill, J

Bench : Single Bench

Advocate : Dinesh Sharma, Nihil Mitta

Final Decision : Disposed Of

Judgement

Gurvinder Singh Gill, J

The petitioner has approached this Court seeking issuance of writ in the nature of habeas corpus so as to produce his minor son Daivik aged 5 ½ years, who is alleged to be unlawfully, illegally and forcibly detained by respondents No.4 to 6.

Respondent No.4-Ruchi Verma, is none else but wife of the petitioner. The petitioner's wife has lodged an FIR No. 222, dated 07.11.2022, Police Station Sector 20 Panchkula, under Sections 323, 406, 498-A, 506, 34 IPC, against the petitioner and others. Apparently, it is a case arising out of some kind of matrimonial discord. The child is of tender age being 5 ½ years only and is stated to be with his mother. Such like custody cannot be termed as illegal so as to justify issuance of writ in the nature of habeas corpus. As such, this Court does not find any ground for issuance of direction or writ.

However, needless to mention that it shall be open to the petitioner to approach the Family Court, concerned, so as to seek custody of his son. In case, any such petition is filed, the Family Court shall deal with the same in accordance with law. Further, in case any application seeking interim custody of the child is also filed before the Family Court, the Family Court shall endeavour to dispose of the same

expeditiously in accordance with law.

The aforesaid order shall not be taken to be any expression on the litigation as may ensue pertaining to custody of the child.