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

\+ W.P.(CRL) 1952/2020

DEEPIKA ..... Petitioner

Through: Ms. Tulika Prakash, Advocate.

versus

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

Through: Mr. Rahul Mehra, Standing Counsel for GNCTD.
Mr. Ravinder Singh, Advocate for R-3, along with R-3.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

O R D E R

% 25.11.2020

CRL.M.A. 16302/2020

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(CRL) 1952/2020 & CRL.M.A. 16301/2020

1. Issue notice. Notice is accepted by Mr. Mehra on behalf of the State. Respondent No.3 appears with his counsel and accepts notice. Issue notice to respondent No.2 returnable on 08.01.2021.

2. The petitioner has preferred the present writ petition to seek a writ of habeas corpus for production of his minor daughter, namely Yashaswi, who is about 6 years old. The case of the petitioner is that on account of

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matrimonial dispute between her and respondent No.3, she moved to her parental home in Delhi with her minor daughter. Lastly, the minor daughter was taken away by the father/ respondent No.3 in June, 2019. She states that thereafter, she has not been able to meet her daughter despite her efforts. She has made representations and complaints to the Police, including on 16.04.2020.

3. Respondent No.3 and his counsel state that respondent No.3 is presently posted at Pune. He further states he is residing at Pune and his parents are also moving around with him, wherever he is posted so as to be able to look after the minor child.

4. As is usual in such case, there are allegations and counter allegations by the petitioner and respondent No.3 against each other with regard to the manner in which they are looking after the child.

5. Presently, respondent No.3 is at Rohtak with his parents and the minor child, from where he has joined the video link, and participated in these proceedings. He states that he is on 26 days leave till 12.12.2020. He has to take the flight to Pune with his family i.e. his daughter and his parents on 13.12.2020 from Delhi.

6. Considering the fact the child is a minor daughter, who is six years old, and she has spent her early years with the mother, we are of the view, at this stage, that it is in the best interest of the child that she is able to meet and interact with the mother freely. We direct respondent No.3 to provide access through a video link to the child to be able to interact with the petitioner mother every day at 03:00 P.M. The meeting between the child and the petitioner shall take place in private. It shall go on till so long as the child is comfortable. Both parties are permitted to video record such

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meetings. We further direct that respondent No.3 shall bring the child to Delhi and drop her with the petitioner on 01.12.2020. The child shall remain with the petitioner till 08.12.2020 when respondent No.3 shall pick her up so to enable her to attend the wedding in his family on 09/10.12.2020. During the said period, the petitioner shall permit the child to have an exclusive interaction with respondent No.3 through the video link, which shall also be recorded by both the parties.

7. Both parties are directed to strictly adhere to the terms of this order.

8. The respondent No.3 shall file his counter affidavit within three weeks. The petitioner may file the rejoinder before the next date of hearing.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

NOVEMBER 25, 2020
N.Khanna

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