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

+ W.P.(CRL) 1132/2021

SUSHIL GUPTA Petitioner

Through: Mr.Syed Hasan Isfahani, Adv.

versus

NCT OF DELHI & ORS. Respondents

Through: Mr. Sanjay Lao, Standing Counsel
with Mr. Karanjeet Sharma, Adv. for
State

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **21.06.2021**

By way of present *habeas corpus* petition, the petitioner Sushil Gupta seeks production of his married daughter Shweta @ Sheetal, alleging that by reason of certain matrimonial discord and offences arising therefrom, the daughter is being held in illegal detention by respondent Nos. 5, 6 and 7, who are his daughter's husband, father-in-law and mother-in-law respectively.

Mr.Syed Hasan Isfahani, learned counsel appearing for the petitioner, on instructions from the petitioner, who has also joined the video-conference hearing, submits that by reason of mental and physical torture unleashed by the private respondents upon the daughter, including actions that are subject matter of FIR No. 137/2020 dated 02.03.2020 registered under sections

498A/313/34 IPC at PS : Sagarpur, the daughter has suffered severe mental trauma, resulting in partial loss of memory and speech.

Mr. Sanjay Lao, learned ASC is present on behalf of respondent Nos. 1, 2 3 and 4 on advance copy; and submits that the FIR in question is under investigation; and further that the petitioner and his wife have met their daughter at the daughter's matrimonial home last week.

Respondent No. 5 Mr. Nitin Gupta, who is the husband, has also joined the video-conference hearing and submits that his wife has developed mental problems but not by reason of any fault on his part or on the part of his parents; and that he is getting his wife treated by a specialist doctor, who has indicated that his wife's mental illness will take some time to get resolved.

Ms. Shweta, the daughter, is also present by way of video-conferencing; but it is evident to the court that she is not able to communicate by speech nor does her behaviour appear to be normal on first blush. This court is also informed that Ms. Shweta and Mr. Nitin Gupta have a 3 ½ year old girl child.

Considering the aforesaid state of affairs, first-and-foremost this court is concerned about the state of mental health and physical wellbeing of the daughter. In the circumstances, before taking a final view in the matter, it is directed that Ms. Shweta be got examined by a doctor specializing in mental trauma and illnesses at the Institute of Human Behaviour & Allied Sciences (IHBAS), New Delhi by the SHO,PS : Sagarpur, New Delhi in the presence and under the supervision of the petitioner/father.

This Court is also of the view that it would be in the fitness of things that, at least for the present and until the next date of hearing, the custody of

Ms. Shweta along with her 3 ½ year old girl child, be given to the petitioner, with whom the said persons would reside for the time being and who would be responsible for their safety and well being. Let the transfer of custody to the petitioner/father be ensured by the SHO,PS : Sagarpur forthwith.

Let the medical examination as directed above be completed within 10 days from today; and a status report detailing the opinion of the doctors, and the line of treatment suggested by them, be filed by the State before this court on or before the next date of hearing, *without* sharing a copy with the private respondents.

Mr. Nitin Gupta is directed to furnish to the SHO, PS : Sagarpur a complete set of all medical reports/documents/prescriptions relating to Ms. Shweta immediately.

List before Roster Bench on 05.07.2021.

ANUP JAIRAM BHAMBHANI, J
(VACATION JUDGE)

JASMEET SINGH, J
(VACATION JUDGE)

JUNE 21, 2021

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