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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 12th December, 2025

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W.P.(CRL) 2798/2025

SARITA KHICHI

.....Petitioner

Through: Mr. Dinesh Malik (DHCLSC) & Ms. Kiffi Aggarwal, Advs. with Petitioner in person.

versus

STATE NCT OF DELHI AND ORS.

.....Respondents

Through: Mr. Sanjay Lao, Standing Counsel (Crl.) with Mr. Abhinav Kumar Arya & Mr. Aryan Sachdeva, Advs. Mr. Surender Wakode, Adv. for R-4 with Respondent No.4 in person.

CORAM:**HON'BLE MR. JUSTICE VIVEK CHAUDHARY****HON'BLE MR. JUSTICE MANOJ JAIN****JUDGMENT**

1. The present petition has been filed under Article 226 of the Constitution of India read with Section 528 of the *Bharatiya Nagarik Suraksha Sanhita, 2023*, seeking issuance of writ in the nature of *Habeas Corpus*, directing the Respondent nos.1, 2, and 3 to produce Ms. "D" and Master "I" (children of the petitioner) before this Court.
2. Petitioner (mother of minor children) is present in person.
3. Respondent No.4 (father of the minor children) is also present in person along with both the minor children.
4. *Vide* Order dated 08.10.2025, the matter was sent for mediation.
5. The Mediation Report dated 03.12.2025 is on record and perusal of the same reveals that despite several mediation sessions and best efforts, no settlement could be arrived at.



6. After some interaction with both the parents i.e. Petitioner and Respondent No.4, they have been, again, given opportunity to resolve the disputes.

7. The matter was passed over, and when taken up again in revised call, we were apprised that both the parties have agreed as under:-

(i) The minor son of the parties is reportedly fifteen months old only and is presently in the custody of his father. His father i.e., respondent no. 4 has agreed to give custody of his son to the petitioner. The custody has been handed over during the course of proceedings today.

(ii) The father shall, however, retain custody of his elder daughter, who is reportedly nine years old.

(iii) In order to ensure that the both the children get love and affection from both the parents and there is bond between the siblings also, it is agreed by the parties that on every alternate Friday with effect from next Friday, i.e., 19.12.2025, the mother would drop son at the residence of his father by 6:00 P.M. and would pick him up on following Sunday by 6:00 P.M.

(iv) Similarly, on the following weekend, the arrangement would be other way around and the father would drop daughter at the residence of her mother on Friday by 6:00 P.M. and would pick her up on the following Sunday by 6:00 P.M.

(v) In case of any inconvenience faced by either party, the same shall be communicated to the other through *WhatsApp*, and the receiving party shall make all endeavours to cooperate.

8. The parties have already filed respective petitions which are pending



adjudication before the Family Court and the above arrangement is as per the mutual agreement and is without prejudice to the rights and contentions of either of the parties and would continue till any order of visitation or custody is passed by the Family Court. In such an eventuality, the parties shall adhere to any such order passed by the Family Court.

9. Both the parties and their counsel assure that the above-said arrangement would be followed, scrupulously, and request that the matter be disposed of accordingly.

10. Accordingly, the present petition is disposed of in aforesaid terms.

11. Pending application(s), if any, also stand(s) disposed of.

**(VIVEK CHAUDHARY)
JUDGE**

**(MANOJ JAIN)
JUDGE**

DECEMBER 12, 2025/*yk/nc*