



2026:DHC:4588-DB



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

Date of decision: 21.05.2026

+ W.P.(CRL) 1642/2026

RASHEED AHMAD

.....Petitioner

Through: Mr.Nihal Mohd. Adv. (through
VC)

versus

STATE OF NCT OF DELHI & ORS.

.....Respondents

Through: Mr.Sanjay Lao, Standing
Counsel (Crl.) with Ms.Priyam
Agarwal, Mr.Abhinav Kr. Arya,
Adv. for State
Insp. Manjeet, SI Ankit, PS-
Govind Puri.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

NAVIN CHAWLA, J. (ORAL)

1. The present Writ 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 a Writ in the nature of Habeas Corpus, directing the respondents to produce the minor daughter of the petitioner.

2. In the Writ Petition, it is alleged that the marriage between the petitioner and the respondent no.5 was solemnized on 28.10.2016 under the Special Marriage Act, 1954 at New Delhi. Thereafter, a formal Nikah ceremony was performed as per Muslim rites and ceremonies at Aligarh on 12.11.2016. The daughter was born from the



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wedlock on 02.06.2021 at London, UK. The petitioner and the respondent no.5 adopted the citizenship of UK through naturalization on 03.10.2024.

3. It is alleged that thereafter, the petitioner relocated to Delhi on 09.12.2024 along with the minor daughter. It is further alleged that the respondent no.5 unilaterally abandoned the matrimonial home at Delhi and took the minor daughter away to Aligarh on 12.04.2025. The petitioner sent a legal notice dated 24.11.2025 demanding the restoration of the custody of the minor daughter, and failing to secure the same, filed a formal complaint at Police Station Govind Puri on 12.04.2026. Similar complaints were thereafter also sent to the DCP, South East Delhi, Sarita Vihar as also to the Commissioner of Police.

4. We find that the petitioner, in the Writ Petition, has not disclosed that he, in the meantime, had also filed a petition seeking divorce from respondent no.5 before the learned Family Court, Saket, New Delhi, which was later withdrawn by the petitioner. It is also not stated in the Writ Petition as to whether the petitioner had sought custody/visitation rights over the minor daughter before the learned Family Court, and if so, the result of the said prayer.

5. The above were material facts to be disclosed in the Writ Petition, especially when the same has been filed under Article 226 of the Constitution of India seeking discretionary and extraordinary relief from this Court.

6. The learned Standing Counsel for the State has handed over a copy of the Status Report dated 21.05.2025, which also indicates that the respondent no.5 and the minor daughter are at Aligarh, Uttar



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Pradesh, that is, beyond the territorial jurisdiction of this Court, and have been staying there since at least 12.04.2025, that is, for more than one year.

7. Given the above facts and the concealment of vital facts from this Court in the petition, we do not deem it appropriate to entertain the present petition and exercise our extraordinary jurisdiction.

8. In view of the above, the present petition is dismissed, leaving it open to the petitioner to avail his legal remedies in accordance with the law.

NAVIN CHAWLA, J

RAVINDER DUDEJA, J

MAY 21, 2026/Arya/ik