



2026:DHC:3171



§~3

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

%

Date of Decision: 16.04.2026

+ **W.P.(CRL) 581/2026**

MR. SUNIL MALHOTRA & ORS.Petitioners

Through: Ms. Puja Anand and Ms. Manisha Parmar, Advocates with petitioners in person.

versus

STATE, NCT OF DELHI & ORS.Respondents

Through: Mr. Anand V. Khatri, ASC for State with SI Sumit and HC Ravi Bansal, PS Jagatpuri.
Mr. Siddharth Chaturvedi and Mr. Mayank Sharma, Advocates for R-3 with R-3 in person.

CORAM: JUSTICE GIRISH KATHPALIA

JUDGMENT (ORAL)

1. Petitioners have assailed orders dated 11.08.2025 and 30.01.2026 of the learned trial court pertaining to release of three pet dogs on *superdari* in the trial pertaining to offence under Section 11 of the Prevention of Cruelty to Animals Act.

2. Broadly speaking, according to prosecution case a raid was conducted at the premises of the present respondent no.3 in which few dogs were found kept in deplorable conditions and were rescued. The rescued dogs were



2026:DHC:3171



handed over by the police to the present respondent no.2/NGO. Thereafter, the respondent no.2/NGO gave three of those dogs in adoption to the present petitioners. Subsequently, the present respondent no.3 claiming himself to be the rightful owner filed an application for *superdari*, which was allowed by the learned trial court, thereby directing release of all rescued dogs to the present respondent no.3 on *superdari*. Hence the present petition by the petitioners.

3. I have heard all present at length.

4. The issue of custody of the rescued dogs, or for that matter any animal, cannot be treated at par with the issue of custody of an inanimate object. One cannot ignore the emotional bond that gets created between the person adopting the pet and the pet itself. Presently before this Court, the issue is not as to whether the present respondent no.3 was or is treating the dogs with cruelty; that would be in the domain of the trial court. Presently, the issue before this Court is the emotional trauma which those voiceless animals would be undergoing after being separated from their adoptive parents (*the present petitioners*). It is explained by learned counsel for petitioners that the three pet dogs, who are subject matter of this petition are female toy pomeranian, named Mishti, Coco and Cotton, all of whom are identifiable, as they respond to the call by their respective name.

5. On the above aspect, after detailed discussion, keeping in mind



2026:DHC:3171



welfare of those three pet dogs, both sides have arrived at an agreement that the said three dogs be released to the present petitioners on *superdari*. To be specific, respondent no.3 present in courtroom has been explained the entire discussion in Hindi and he, in the interest of those three dogs, is willing to return those dogs to the petitioners with the condition that in case ultimately he gets acquitted, custody of those three dogs would be returned to him, subject to their welfare.

6. Accordingly, with consent of both sides, the impugned orders are modified, thereby directing that the present respondent no.3 shall release those three female pomeranian dogs namely Mishti, Coco and Cotton to the present petitioners through the IO by tomorrow; and the *superdarinamas* in the sum of Rs. 50,000/- each shall be submitted by the present petitioners before the learned trial court tomorrow itself, assuring that the petitioners would produce those three dogs before the trial court at the stage of evidence, if so directed.

7. A copy of this order be given *dasti* to IO for being produced before the learned trial court tomorrow.

8. The petition stands disposed of.

**GIRISH KATHPALIA
(JUDGE)**

APRIL 16, 2026/dr

W.P.(CRL) 581/2026

Page 3 of 3 pages