

Court No. - 67

Case :- HABEAS CORPUS WRIT PETITION No. - 406 of 2023

Petitioner :- Smt. Sapna Yadav (Corpus) And Another

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Pranesh Kumar Mishra

Counsel for Respondent :- G.A.

Hon'ble Rahul Chaturvedi,J.

Hon'ble Mohd. Azhar Husain Idrisi,J.

Heard Sri Pranesh Kumar Mishra, learned counsel for the petitioners and the learned A.G.A.

Primarily, the instant habeas corpus writ petition on behalf of petitioners, namely, Sapna Yadav (Corpus) and Abhay @ Abhay Prasad has been filed with a prayer to handover the custody of his wife Sapna Yadav (Corpus) along with newly born kid.

From the perusal of the record, it is clear that petitioner no. 1 Sapna Yadav (Corpus) was on family way when she was sent to Nari Niketan. When Sapna Yadav (Corpus) was at Nari Niketan, Ghazipur she was directed to be produced by the order of Child Welfare Committee. But there is no denial of the fact that Sapna Yadav (Corpus) was carrying advance stage of pregnancy and transmitted to B.H.U., Varanasi. She had given delivery to a baby boy on 24.4.2023. It is also mentioned that on account of love affection, petitioner no. 2 got married with petitioner no.1 Sapna Yadav (Corpus) on 25.5.2023 in Arya Samaj Mandir Chowk, Prayag and since then both of them are living as husband and wife.

No doubt, when the marriage of the petitioner no. 1 Sapna Yadav (Corpus) was solemnised she was minor aged about 16 years, but the court has taken a lenient view, keeping in view that petitioner

no. 1 was in her advance stage of pregnancy. Now after the delivery of the baby, both the petitioners along with baby are living happily as a family.

The Court has occasion to make conversation with petitioner no. 1 Sapna Yadav (Corpus), who has been identified by the learned counsel for the petitioners. She states that she is leading her life happily along with her husband and baby. We cannot disrupt the family equation in the name of technicalities.

The prayer sought is granted.

Under these circumstances, the petition stands **ALLOWED**.

Order Date :- 19.10.2023

M. Tarik