

RESERVED ON 22.11.2023
DELIVERED ON 30.11.2023

Court No. - 82

Case :- HABEAS CORPUS WRIT PETITION No. - 672 of 2023

Petitioner :- Khushboo And Another

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Virendra Kumar Yadav

Counsel for Respondent :- G.A.,Kumar Amit

Hon'ble Ms. Nand Prabha Shukla,J.

Heard learned counsel for the petitioners, learned AGA for the State and Sri Kumar Amit, learned counsel appearing on behalf of opposite party no. 3.

In the instant habeas corpus writ petition, the petitioner no. 2 Rohan Maurya has sought the custody of petitioner no. 1 Khushboo (corpus) claiming her as his wife.

At the very outset, learned counsel for the respondent no. 3 states that the custody of the corpus Khushboo Yadav (minor daughter) has been given to the respondent no. 3 (father of the corpus) on the basis of the order passed by Child Welfare Committee, Prayagraj dated 03.02.2023.

In the Full Bench decision rendered by the Allahabad High Court in **Rachna and Another vs. State of U.P. and others, AIR 2021 All. 109**, it has been held that a Writ of Habeas Corpus would not be maintainable if the detention of custody is pursuant to judicial orders passed by a Judicial Magistrate or a Court of Competent Jurisdiction or by the Child Welfare Committee. In case, corpus is aggrieved by order of Child Welfare Committee she is at liberty to take recourse of remedy of an appeal or revision provided under

Sections 101 and 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

In view of the aforesaid circumstances, the petition is not maintainable and is hereby **dismissed**.

Order Date :- 30.11.2023

Puspendra