

Court No. - 81

Case :- HABEAS CORPUS WRIT PETITION No. - 700 of 2023

Petitioner :- Arshiya Yadav (Minor) And 3 Others

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

Counsel for Petitioner :- Saroj Kumar Yadav, Vikram Bahadur Singh

Counsel for Respondent :- G.A.

Hon'ble Mrs. Jyotsna Sharma, J.

1. Supplementary affidavit, filed by learned counsel for the petitioners and counter affidavit filed by learned A.G.A. for the State, are taken on record
2. Heard Sri Saroj Kumar Yadav, learned counsel for the petitioners and Sri L.D. Rajbhar, learned AGA for the State. None has appeared for respondent no.-5 despite service of notice.
3. This habeas corpus writ petition has been filed on behalf of two minors Arshiya Yadav and Aaryansh Yadav through their father with the allegation that his both kids have been illegally detained by his wife Nidhi Yadav, who is residing at Lucknow.
4. Learned A.G.A. has filed a counter affidavit in which it has been said that both of the kids are staying with their mother happily and that they are not in any illegal detention.
5. The children are admittedly 7 and 13 years old and are residing with their mother and in my view, in case, the children are residing with their mother, such detention cannot be termed as illegal from any angle. The father, in case, has any grievance, he may take recourse to the provisions of Guardians and Wards Act, 1890 and file a suitable proceeding before the competent authority.
6. In such circumstance, I do not find any good ground to keep this habeas corpus petition pending or to proceed any further, accordingly, this petition stands **dismissed**.

Order Date :- 15.12.2023

Nitika Sri.