

Court No. - 81

Case :- HABEAS CORPUS WRIT PETITION No. - 872 of 2023

Petitioner :- Aalia (Minor) And 4 Others

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Mohammad Atif

Counsel for Respondent :- G.A.

Hon'ble Mrs. Jyotsna Sharma,J.

1. Heard Sri Mohammad Arif, learned counsel for the petitioners and Sri R.K. Verma, learned AGA for the State.

2. This habeas corpus writ petition has been filed on behalf of three minor children (petitioner nos. 1, 2 and 3 herein) by their father-Pervej Ahmad (petitioner no. 4) and also through their grandmother-Riyazul Nisha (petitioner no. 5) against private respondent nos. 4 to 6 and the State.

3. The submissions are that petitioner no. 4-Pervej Ahmad (father of three kids) is working in some foreign country and that he has been regularly sending money to his wife for maintenance of herself, their daughters and son. They got married 13 years ago and since then petitioner no. 4 is working in some foreign country. It may be noted that admittedly his daughters and son are staying with his wife-Samarin, who is respondent no. 4 herein. It is submitted by the petitioners that the father is not being even allowed to meet his daughters and son.

4. When queried about the reliefs sought in this petition in para A and B, it is submitted that his daughters and son are not being properly taken care of by their mother and that mother is staying with her parents (i.e., maternal grandparents of their children) and therefore he wants that custody of the children may be handed over to his mother (grandmother of three kids).

5. The custody of children with their mother cannot be termed as 'illegal detention' from any angle, hence, I do not find any good ground to entertain and proceed in this habeas corpus writ petition, therefore, it is **dismissed**.

Order Date :- 12.10.2023

#Vikram/-