

Court No. - 81

Case :- HABEAS CORPUS WRIT PETITION No. - 926 of 2023

Petitioner :- Devansh (Minor) And Another

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Munendra Nath Chaubey, Akhilesh Tripathi

Counsel for Respondent :- G.A.

Hon'ble Mrs. Jyotsna Sharma, J.

1. Heard Sri Akhilesh Tripathi, learned counsel for the petitioners and learned A.G.A. for the State.
2. It is submitted on behalf of petitioner no.2 that his son Devansh, aged about 10 years has been illegally detained by respondent no.4 -Smt. Sunita, who happens to be real mother of Devansh.
3. This is revealed from the petition itself that respondent no.4 i.e. wife of Petitioner no.2, is living separately from him since last more than six months. Now, petitioner no.2 has filed this petition because he has not been allowed to meet his son.
4. While quarried about the fact that in which capacity his son has been detained by respondent no.4, it is admitted that she is the real mother. In my view, in such circumstances, the custody of real mother cannot be construed as illegal from any angle.
5. I find no merit in the petition, therefore, this petition is hereby **dismissed**.

Order Date :- 3.11.2023

Sumit Kumar