

Court No. - 81

Case :- HABEAS CORPUS WRIT PETITION No. - 934 of 2023

Petitioner :- Salamat Ansari And 2 Others

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

Counsel for Petitioner :- Rakesh Kumar Mishra

Counsel for Respondent :- G.A.

Hon'ble Mrs. Jyotsna Sharma,J.

1. Heard Sri Rakesh Kumar Mishra, learned counsel for the petitioners and Sri R.K. Gupta, learned AGA for the State.

2. Sri Arvind Kumar Shukla, Advocate has put in appearance on behalf of respondent no. 4, but he has yet to file a '*vakalatnama*'.

3. This petition has been filed by petitioner no. 1-Salamat Ansari, with the submission that his wife-Priyanka Kharwar @ Aliya (petitioner no. 2) and his minor daughter-Aliza (petitioner no. 3), are in illegal detention of Sanjay Kharwar (respondent no. 4), who happens to be father of Priyanka Kharwar @ Aliya (petitioner no. 2).

4. Learned AGA submits that petitioner nos. 1 and 2 are husband and wife and that they have a daughter-Aliza. Out of some domestic disputes and disaffection between the parties, now the corpus-Priyanka Kharwar, along with her daughter-Aliza is residing with her father-Sanjay Kharwar (respondent no. 4). She has also filed a divorce petition no. 746 of 2023 before the Family Court, Kushinagar, Padrauna (copy whereof is taken on record). It is argued that this paper is enough to show that she is living separately from her husband in her 'maika' and that she is not under any illegal detention or restraint.

5. I perused the copy of the divorce petition. The counter submissions, appear to have substance. In view of the above circumstances, I do not find any good ground to entertain this habeas corpus writ petition and therefore it is **dismissed**.

Order Date :- 7.11.2023

#Vikram/-