

Court No. - 81

Case :- HABEAS CORPUS WRIT PETITION No. - 1006 of 2023

Petitioner :- Mohammad Waseeq And Another

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

Counsel for Petitioner :- Santosh Kumar Giri

Counsel for Respondent :- G.A.

Hon'ble Mrs. Jyotsna Sharma,J.

1. Heard Sri Santosh Kumar Giri, learned counsel for the petitioners and Sri L.D.Rajbhar, learned A.G.A. for the State and perused the record.

2. This habeas corpus writ petition has been filed by father of minor girl aged about nine years (corpus) submitting that he got married in the year 2011 and he has been living peacefully with his wife and his daughter. His wife and his daughter were taken away by respondent no.4, his father-in-law on false pretext of illness of his mother-in-law. Since then he is not allowed to meet his wife and child. Allegation in the petition is that despite his efforts, now his wife is not returning to him and that his minor daughter 'the corpus' has been illegally detained by respondent no.5 (who happens to be wife of the petitioner no.1).

3. This petition has been filed for production of Km.Aaliya from the custody of her mother. In oral submission it is admitted that his minor daughter is staying with her natural guardian- mother Smt.Shamim Bano,respondent no.5.

4. During the course of argument this fact has come in the picture that a case of domestic violence has been filed against petitioner no.1 by respondent no.5 and this fact has not been disclosed in the petition.

5. In my view, custody of minor child with mother cannot be construed as illegal detention in any manner. Therefore, I do not find any good ground to proceed further.

6. This writ petition lacks merit and is **dismissed**.

Order Date :- 7.12.2023

Asha