

Court No. - 9

Case :- HABEAS CORPUS WRIT PETITION No. - 205 of 2023

Petitioner :- Mohd. Ayaan Khan And Another Thru. Father Mohd. Amir

Respondent :- State Of U.P. Thru. Prin. Secy. Home, Lko. And Others

Counsel for Petitioner :- Mohd Fahim

Counsel for Respondent :- G.A.

Hon'ble Dinesh Kumar Singh, J.

1. Heard learned counsel appearing for the accused-petitioner and learned Additional Government Advocate appearing for the State.
2. Present petition under Article 226 of the Constitution of India has been filed seeking a writ of Habeas Corpus for a direction to produce two minor children, who are stated be sons of Mohd Amir, through whom this petition has been filed.
3. Father of the children and their mother, respondent No.3, had bitter family life. Several cases came to be registered against each other by them. Ultimately, they entered into compromise outside the Court, and decided to settle their dispute amicably. The parties had taken divorce in terms of the compromise dated 03.03.2022. Copy of thereof has been placed on record with the writ petition.
4. In respect of the custody of two minor children, parties agreed that the children will remain in custody of the mother i.e. respondent No.3 and it would be responsibility of the mother to maintain the children.
5. Now, the present petition has been filed further seeking production of corpus of two minor children on the ground that the children talk to the father and they want to live with him.
6. Considering the aforesaid facts, this Court cannot issue a writ of Habeas Corpus for production of the children inasmuch as in terms of the compromise arrived at between the parties, custody of the children was given to the mother.
7. With the aforesaid, the petition is **disposed of** with liberty to the petitioner to move an appropriate application before the competent court under the Guardians and Wards Act, 1890, if he is so advised.

(Dinesh Kumar Singh, J.)

Order Date :- 23.6.2023

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