

Court No. - 32

Case :- HABEAS CORPUS WRIT PETITION No. - 243 of 2023

Petitioner :- Master Kairav Thru. His Mother Smt. Damini Gupta

Respondent :- Superintendent Of Police Distt. Lakhimpur Kheri And 5 Others

Counsel for Petitioner :- Kaushlendra Tewari, Virendra Kumar Yadav

Counsel for Respondent :- G.A., Suresh Kumar Pandey

Hon'ble Narendra Kumar Johari, J.

Heard Shri Kaushlendra Tewari, learned counsel for the petitioner, learned A.G.A. for the State/respondent Nos. 1 to 3 and Shri Suresh Kumar Pandey, learned counsel for respondent Nos. 4 to 6 and perused the record.

This Habeas Corpus petition has been filed with the following main prayers :-

"(i) To issue a writ, order or direction in the nature of habeas corpus thereby commanding the respondents to immediately release the Detenue from the illegal detention and confinement of the Opposite Party No.4 to 6 & produce the Detenue /Corpus before this Hon'ble Court and the Detenue/Corpus may be given in the custody of the petitioner."

In pursuance of the order dated 03.10.2023, next friend of detenue/petitioner, namely, Master Kairav and opposite party Nos.4 to 6 are present. They have been produced by Sub Inspector Jitender Kumar Singh of Police Station Mohammadi, District Kheri.

Learned counsel for the petitioner has submitted that although the matter has been referred to the Mediation and Conciliation Center of this Court vide order dated 10.10.2023, passed in Criminal Misc. Writ Petition No.7765 of 2023 (Gaurav Gupta Vs. State of U.P. & others), but in the meantime, by intervention of the respectable members of both the families, both the parties have agreed to resolve their dispute amicably outside the court.

Learned counsel for the opposite party Nos. 4 to 6 has submitted that the detenue is a minor child of approximately 02 years and he is missing his mother, that is why the opposite

parties 4 to 6 are willfully ready to handover the child to his mother Smt. Damini Gupta.

Upon a query made by the the court, opposite party No.4, Gaurav Gupta, has submitted that he is ready to handover the custody of the child to Smt. Damini Gupta who is mother of detainee/petitioner just now before the Court. The next friend of detainee, namely, Smt. Damini Gupta states that she is ready to take the custody of the child.

Accordingly, opposite party No.4 has handed over the custody of child/detainee to his mother Smt. Damini Gupta before the court.

Learned counsel for the petitioner submits that he has no further grievance in this petition, hence the petition be decided accordingly.

In view of above, the petition is **disposed of**.

Order Date :- 26.10.2023

ML/-