

Court No. - 10

Case :- HABEAS CORPUS WRIT PETITION No. - 349 of 2023

Petitioner :- Kashish Fatma Thru. Father In Law Haseen Ahmad Kuraishi

Respondent :- State Of U.P. Thru. Secy. Home Civil Sectt. Lko And Others

Counsel for Petitioner :- Vinay Kumar

Counsel for Respondent :- G.A.

Hon'ble Mrs. Sangeeta Chandra,J.

Hon'ble Narendra Kumar Johari,J.

1. Heard learned counsel for the petitioner and learned A.G.A. who appears on behalf of the State Respondents.

2. This petition has been filed with the following main prayers:-

"I. Issue a writ, order or direction in the nature of Habeas Corpus commanding and directing to the opposite party no. 5 to produced the petitioner (Deteneue) before this Hon'ble High Court and she may be set at liberty under the case and custody of her father-in-law."

3. Learned A.G.A. for the State Respondents has pointed out that the alleged detenue has been sent to the Rajkiya Bal Sanrakshan Grah(Balika), Pratapgarh by an order passed by the Child Welfare Committee, Pratapgarh. The petitioner has statutory remedy of filing an appeal against the Order passed by the Child Welfare Committee, Pratapgarh, which he has not done till date.

4. This Court finds prima facie that the order passed by the Child Welfare Committee has led to the petitioner/detenue being sent to the Rajkiya Balika Grah and cannot be said that this is an illegal detention under the order of C.W.C. to set aside.

5. The writ petition is ***dismissed*** leaving it open to avail statutory remedy of filing an appeal against order passed by the C.W.C. under Section 101 of the Juvenile Justice Act.

Order Date :- 2.11.2023

Darpan Sharma