

Court No. - 16

Case :- HABEAS CORPUS WRIT PETITION No. - 249 of 2024

Petitioner :- Adil Thru. His Mother/Natural Guardian Adina Bano

Respondent :- State Of U.P. Thru. Prin. Secy. Home Deptt. Lko. And 3 Others

Counsel for Petitioner :- Avadhesh Mishra,Naseem Ahamad

Counsel for Respondent :- G.A.

Hon'ble Shamim Ahmed,J.

Heard Sri Avadhesh Mishra, learned counsel for the petitioner as well as Sri Ashok Kumar Singh, learned A.G.A.-I for the State and perused the record. Sri Rehan Ahmad Siddiqui, Advocate has also put in appearance on behalf of the opposite party no.4 by filing vakalatnama, which is taken on record.

This Habeas Corpus Writ Petition has been filed with the following relief:

"issue a writ, order or direction in the nature of habeas corpus commanding and directing the opposite parties No.2 & 3 to produce the petitioner/detenué namely Adil before this Hon'ble Court from the clutches of the opposite party no.4 forthwith, in the interest of justice."

Learned counsel for the petitioner submits that the petitioner is mother of the minor child and the father has illegally detained the minor child with him, thus, this Court may issue a direction in this regard so that the custody of the minor child be given to the mother, the next friend.

Learned A.G.A.-I for the State submits that the relief sought in this Habeas Corpus Writ Petition could not be granted by this Court as the mother of the minor child could not be able to point out any illegality or any infirmity regarding the custody with the father. Thus, the prayer made in this petition could not be granted by this Court and if the mother wants custody of the minor child, then the remedy lies before the appropriate forum under the Guardians and Wards Act, 1890 for claiming the custody of minor child in accordance with law.

After some argument, learned counsel for the petitioner submits that he may be permitted to approach the competent court in accordance with law under the Guardians and Wards Act, 1890 for claiming the custody of minor child.

Accordingly, the present writ petition is **disposed of** with liberty to the petitioner to approach the appropriate forum in accordance with law for claiming the custody of minor child.

Order Date :- 23.8.2024

Saurabh