

**Court No. - 16**

**Case :-** HABEAS CORPUS WRIT PETITION No. - 272 of 2024

**Petitioner :-** Kabutara (Detenue) Thru. Her Son Ram Gulam Nishad @ Lallan

**Respondent :-** Anant Ram And 4 Others

**Counsel for Petitioner :-** Amit Kumar Singh

**Counsel for Respondent :-** G.A.

**Hon'ble Shamim Ahmed,J.**

Heard Sri Amit Kumar Singh, learned counsel for the petitioner and Sri Ashok Kumar Singh, learned A.G.A.-I for the State as well as perused the record.

The instant writ petition has been filed seeking following main relief:-

*"1. To issue a writ, order or direction in the nature of Habeas Corpus directing thereby respondent no.1 to 6 to produce the corpus of detenue namely Kabutara W/o Late Parasram before the Hon'ble Court."*

Learned counsel for the petitioner submits that the detenue is mother of the next friend, Ram Gulam Nishad @ Lallan and she has been illegally detained by the respondent nos.1 to 5, thus, this Court may direct the opposite parties to produce the detenue before this Court and she may be set at liberty under the care and custody of her son.

On the other hand, learned A.G.A.-I for the State submits that the detenue is not under illegal custody as she is willingly living with her daughter, namely, Kanchan W/o Golu (Anokhi Lal) at Village Phoolpur, Mauja Meharbanabad, Police Station Katra Bazar, District Gonda on her own sweet will. In this regard, learned A.G.A.-I for the State has also produced instructions dated 19.09.2024 received from Sub Inspector of Police, Police Station Katra Bazar, District Gonda, which is taken on record. In the aforesaid instructions, the statement of the detenue is also annexed and there is an entry made in the General Diary of the Police Station.

He further submits that the petitioner has not made the daughter of detenue as party in this writ petition and even the detenue is not living with the persons who are made parties in this writ petition, thus, the instant writ petition is totally misconceived and is liable to be dismissed.

After considering the entire facts and circumstances of the case as well as after perusal of material placed before this Court, this Court is of the view that the detinue is not under illegal custody as she is willingly living with her daughter on her own sweet will and in this regard, an entry of General Diary of Police Station Katra Bazar, District Lucknow as well as the statement of detinue is also placed before this Court. This Court further finds that the detinue is not living with the respondents, who have been made party in this writ petition rather she is living with her daughter, who has not been made party in this writ petition. Thus, this Court is not inclined to issue any direction and the instant writ petition lacks merit, which is liable to be dismissed.

With the aforesaid observations, the instant writ petition is hereby **dismissed**.

**Order Date :- 20.9.2024**

Saurabh