

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPHC No. 16 of 2021**

1. Javed Meer Khan S/o Pyaru Meer Khan, Aged About 37 Years,
2. Smt. Arshi Khan W/o Javed Meer Khan, Aged About 27 Years

Both are R/o Om Nagar, Jarhabhatha Bilaspur, Police Station - Civil Lines,
Tahsil And District - Bilaspur (Chhattisgarh).

---- Petitioners**Versus**

1. State of Chhattisgarh Through Secretary, Department of Home, Mahanadi Bhawan, New Mantralaya, Atal Nagar, Raipur, District Raipur (Chhattisgarh).
2. Superintendent of Police Balodabazar, District Balodabazar - Bhatapara (Chhattisgarh).
3. Station House Officer, Police Station - Balodabazar, District Balodabazar - Bhatapara (Chhattisgarh).
4. Jamil Khan S/o Salim Khan Aged About 49 Years R/o Khokhali Raod Badi, Bhatapara, District Balodabazar - Bhatapara (Chhattisgarh) Official Address - Old Fish Market, Hatri Bazar, Bhatapara, District Balodabazar - Bhatapara (Chhattisgarh).
5. Smt. Mahajbeen Khan W/o Jamil Khan Aged About 40 Years Caste - Musalman, Occupation - House Wife, R/o Khokhali Raod Badi, Bhatapara, District Balodabazar - Bhatapara (Chhattisgarh) Official Address - Old Fish Market, Hatri Bazar, Bhatapara, District Balodabazar - Bhatapara (Chhattisgarh).
6. Mohammad Aazam Khan S/o Javed Meer Khan Aged About 1 Years Through Natural Guardian Smt. Aarshi Khan, At Present R/o - C/o - Jamil Khan Khokhali Raod Badi, Bhatapara, District Balodabazar - Bhatapara (Chhattisgarh).

---- Respondents

(Cause – title taken from Case Information System)

For Petitioners	: Ms. Fouzia Mirza, Senior Advocate.
For Respondents No. 1 to 3	: Shri Gagan Tiwari, Deputy Government Advocate

Hon'ble Shri Arup Kumar Goswami, Chief Justice

Hon'ble Shri Goutam Bhaduri, Judge

Order on Board

Per Arup Kumar Goswami, Chief Justice

16.11.2021

Heard Ms. Fouzia Mirza, learned senior counsel for the petitioners. Also heard Mr. Gagan Tiwari, learned Deputy Government Advocate appearing for respondents No. 1 to 3 / State.

2. This *Habeas Corpus* petition is filed seeking a direction to produce the minor child of the petitioners, namely, Mohammad Aazam Khan (respondent No.6), before this Court and to give his custody to the petitioners.

3. After some hearing, the learned senior counsel for the petitioners prayed for withdrawal of this writ petition in order to assail the order dated 21.10.2021 passed by the learned City Magistrate, Bilaspur in an application filed by the petitioners under Section 97 of the Code of Criminal Procedure, 1973.

4. In view of the above, without going to merits of the case, this writ petition is disposed of with liberty to the petitioners to assail the order dated 21.10.2021 passed by learned City Magistrate, Bilaspur, in accordance with law and in case, any such application is filed, the same shall be considered in accordance with law.

Sd/-
(Arup Kumar Goswami)
Chief Justice

Sd/-
(Goutam Bhaduri)
Judge