APHC010575312026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3624]**
(Special Original Jurisdiction)

THURSDAY, THE 29th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

WRIT PETITION NO: 31440/2026

Between:

1. PAMARTHI ANVESH, S/O. P.VARAPRASADA RAO, AGED ABOUT 37 YRS, PRIVATE EMPLOYEE, R/O. D/O. 3-196, BUDDAVARANN ROAD, GANNAVARAM, KRISHNA DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP.BY ITS PRI.SECRETARY, HOME DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT. 522237
2. THE SUPERINTENDENT OF POLICE, ELURU, ELURU DISTRICT. 534001
3. THE INSPECTOR OF POLICE, ELURU, ELURU DISTRICT. 534001 2026
4. THE STATION HOUSE OFFICER, 1 TOWN PS, ELURU WEST GODAVARI DISTRICT. 534001
5. GUTTULA DIVYA SANTHI SWARUPA, ., W/O. PAMARTHI ANVESH, D/O.G.V.V.S.N.MURTHY, AGED ABOUT 32 YEARS ,HOUSE WIFE, RIO. D.NO.2-11-37A, SUBRAMANYAM COLONY, ELURU, WEST GODAVARI DISTRICT. 534001

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased toissue a Writ of Habeas Corpus directing the respondents to produce the minor daughter of the petitioner, aged about 3 Years 3 months, who was allegedly taken to Canada by the 5th respondent, being the mother of the minor child, without informing the petitioner or bringing the same to the notice of the competent Court during the pendency of G.W.O.P. No. 9 of 2026 on the file of the competent District Court at Eluru, and consequently pass appropriate orders regarding the production and custody of the minor child, keeping in view her welfare and the interests of justice,

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased direct the respondents concerned to take necessary steps for the production of the minor daughter of the petitioner, who was allegedi taken to Canada by the 5thresp0ndent during the pendency of G.W.O.P.No.9 of 2026 before the competent court at Eluru, pending disposal of the main writ petition,

Counsel for the Petitioner:

1. CHEVURI RAMA SWAMY

Counsel for the Respondent(S):

1. GP FOR HOME

The Court made the following:

ORDER: :-*(per Hon'ble Sri Justice Ravi Nath Tilhari)*

This petition seeking a Writ of Habeas Corpus under Article 226 of the Constitution of India, has been filed by the petitioner/father, seeking production and release of his minor daughter, aged about 3 years and 3 months, who is in the custody of the 5th respondent/mother.

2. Heard Sri Chevuri Rama Swamy, learned counsel for the petitioner, Sri J.Krishna Praneeth, learned Assistant Government Pleader for Home, appearing for the respondents 1 to 4 and Sri Eluru Sesha Mahesh Babu, learned counsel for the 5th respondent.

3. Learned counsel for the petitioner submits that there is some matrimonial dispute between the petitioner and the 5th respondent. F.C.O.P.No.1812 of 2025 on the file of the Principal Family Court, Vijayawada, was filed. Since 2025, the 5th respondent is living separately, with the child.

4. At this stage, learned counsel for the 5th respondent submits that the aforesaid F.C.O.P. was dismissed.

5. Learned counsel for the petitioner further submits that the petitioner has already filed G.W.O.P.No.9 of 2026 on the file of the Principal District Court, Eluru, seeking the custody of the minor child and the same is pending. He submits that during the pendency of the aforesaid G.W.O.P., the 5th respondent has left for Canada and consequently, this Habeas Corpus petition is filed.

6. In the facts and circumstances of the present case as stated, the daughter of the petitioner aged about 3 years and 3 months, being with the mother, and the petitioner already having filed G.W.O.P.No.9 of 2026 for the custody and so availing the statutory remedy, we are not inclined to entertain this Writ of Habeas Corpus, as *prima facie*, the custody of the minor daughter, aged about 3 years and 3 months, with the mother, cannot be said to be an illegal custody.

7. Accordingly, the Writ Petition is dismissed.

8. The petitioner is at liberty to pursue the proceedings in pending G.W.O.P.

9. We make it clear that we have not observed anything on merits of the claim of either party.

10. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, shall also stand closed.

RAVI NATH TILHARI, J

ALAPATI GIRIDHAR, J

Date: 29.10.2026

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129

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
AND

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