



2026:AHC:62624-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**HABEAS CORPUS WRIT PETITION No. - 289 of 2026**

Smt. Sangita Yadav

.....Petitioner(s)

Versus

The State Of Uttar Pradesh And 3 Others

.....Respondent(s)

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Counsel for Petitioner(s) : Abhishek Srivastava, Satyadev Singh  
Chauhan, Shashikant Chauhan  
Counsel for Respondent(s) : G.A.

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**Court No. - 44**

**HON'BLE SIDDHARTH, J.**

**HON'BLE VINAI KUMAR DWIVEDI, J.**

Heard Shri Abhishek Srivastava, learned counsel for the petitioner, Shri Prem Shanker Prashad, learned A.G.A. and perused the record.

The above noted Habeas Corpus petition has been filed with the following prayer:-

- i. Issue Writ, Order or direction in the nature of Habeas Corpus directing the respondent Nos. 1, 2 and 3, and particularly respondent No. 3 to trace, arrest and produce the respondent No. 4, Sri Shiv Prasad Yadav, before this Hon' ble Court and/or before the learned Principal Judge, Family Court, Azangarh in Execution Case No. 78 of 2021, within a time bound period fixed by this Hon'ble Court;
- ii. Upon production, hand Over the custody of respondent No. 4 to the learned Principal Judge, Family Court, Azamgarh with a direction to proceed with the execution proceedings and recover the arrears of maintenance

amounting to Rs. 3,44,000/- (as On 13.01.2026) and continuing, in accordance With law;

iii. Issue a Writ, order Or direction in the nature of Mandamus directing the respondent No. 2 to conduct a departmental inquiry against respondent No. 3 and all other police officials responsible for the deliberate failure to execute the warrants, and to take appropriate disciplinary action against them;

iv. Issue a Writ, order or direction directing the respondent No. 1 to pay exemplary compensation of not less than Rs. 5, 00,000/- (Rupees Five Lakhs only) to the petitioner for the gross violation of her fundamental rights and for the mental agony har Family Court, Azamgarh with a direction to proceed with the execution proceedings and recover the arrears of maintenance amounting to Rs. 3,44,000/- (as On 13.01.2026) and continuing, in accordance With law;

v. Issue a writ, order or direction directing the respondent no.3 to show cause as to why proceedings for criminal contempt of court be not initiated against him for wilful disobedience of the lawful orders of the learned Family Court, Azamgarh.

vi. Pass any such other and further order as this court may deem fit and proper in the facts and circumstances of the case, in the interest of justice."

Learned counsel for the petitioner has submitted that petitioner no.1 is estranged wife of petitioner no.2. The

couple have daughter aged about nine years, who is residing with petitioner no.1. There are matrimonial disputes between the parties and petitioner no.2 in order to avoid payment of amount of maintenance directed to be paid by Family Court, Azamgarh by the order dated 25.1.2021, is not appearing before the court in execution proceedings and his whereabouts are not known. Thereafter prayer has been made for directing the respondents to produce the petitioner no.2 before this court or before the Principal Judge Family Court, Azamgarh in Execution case no. 78 of 2000.

Learned counsel for the petitioner has relied upon the judgement of Division Bench of Hon'ble Madras High Court in **M.P. Nagalakshmi W/o N. Prakash Vs. The State represented by the Commissioner of Police, Office of Commissioner of police and others, passed in H.C.P. No. 308 of 2021** and has submitted that petitioner no.2 may be directed to be produced before this court by the respondent.

After perusal of the judgement of Madras High Court we find that detinue in the aforesaid case was in illegal custody of the fourth respondent(father-in-law) of the petitioner and therefore court directed his production before the court. However in the present case whereabouts of petitioner no.2 are not known. Only because he is evading warrant issued by the Family Court for making payment of maintenance amount to his

wife and daughter, the direction in the nature of habeas corpus cannot be issued. It is for the Family Court concerned to initiate all coercive measures at its command to secure presence of petitioner no.2., namely, Shiv Prasad Yadav before the court.

The habeas corpus petition cannot be a tool for securing the presence of petitioner in the court proceedings.

Subject to the aforesaid observations, the petition is dismissed.

**(Vinai Kumar Dwivedi,J.) (Siddharth,J.)**

**March 25, 2026**

Atul kr. sri.