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WP-19596-2026

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE PRANAY VERMA

&amp;

HON'BLE SHRI JUSTICE JAI KUMAR PILLAI

ON THE 1<sup>st</sup> OF JUNE, 2026WRIT PETITION No. 19596 of 2026*Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

.....  
Appearance:

Petitioner along with her counsel Shri Shashwat Awasthi is present in person.

Respondent No.4 along with his counsel Shri Hemant Namdeo is present in person.

Shri Ajay Ojha- Government Advocate for the respondent/State.  
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ORDER

*Per. Justice Pranay Verma*

This petition has been preferred by the petitioner in the nature of a habeas corpus petition for production of corpus namely;

who is the minor daughter of the petitioner and respondent No.4.

2. It is the contention of the petitioner that the corpus has been residing with her ever since her birth and has never resided with respondent No.4. On 27.05.2026 respondent No.4 visited the residence



of petitioner at Jabalpur and on the next date took the corpus along with him on the pretext of spending time with the corpus and assured the petitioner that he would return the child shortly. However, thereafter, the petitioner has taken the corpus with him and is forcibly keeping her in his custody which is illegal hence he is liable to be commanded to return the custody of the corpus to her.

3. Respondent No.4 who has appeared in person could not deny the fact that the corpus has been residing with the petitioner ever since her birth and there is no order of any Court for delivery of custody to him. His contention is that the corpus had willingly gone along with him to his house to meet her grandmother hence it is not a case of forceful abduction.

4. The corpus has been produced by learned counsel for the respondent/State and we have inquired from her as regards her wish of residence. The corpus is seven years of age and has unequivocally stated that she wishes to reside with her mother and does not wish to reside with respondent No.4. Even if the explanation of respondent No.4 is considered then also it cannot be said that he has obtained the custody of the corpus legally which hence cannot be permitted to continue.

5. Consequently, we direct the learned counsel for the State to handover the custody of the corpus to the petitioner during the course of the day who shall be free to take the corpus along with her. However, for protecting the interest of respondent No.4 we direct that the petitioner



shall ensure that the corpus speaks to respondent No.4 whenever he wishes to. It shall also be open for the petitioner to resort to such legal remedies as may be available to him under the law in respect of the corpus.

6. With the aforesaid directions, the petition stands disposed off.

**(PRANAY VERMA)**  
V. JUDGE

**(JAI KUMAR PILLAI)**  
V. JUDGE

SSL/jyoti