



HIGH COURT OF JUDICATURE AT ALLAHABAD

HABEAS CORPUS WRIT PETITION No. - 759 of 2026

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s) : Devaang Savla, Utkarsh Srivastava
Counsel for Respondent(s) : Anju Shukla, G.A., Shailesh Pandey

Court No. - 73

HON'BLE SANDEEP JAIN, J.

1. The instant habeas corpus writ petition has been filed by the petitioner claiming that her minor daughter aged about 5 years is in the illegal custody of her mother/respondent no.4 .

2. Learned counsel for the petitioner submitted that previously a Habeas Corpus Writ petition No.699 of 2025 [] vs. State of U.P. and others] was also filed by the petitioner

claiming the custody of the corpus, which was disposed of by this Court, vide order dated 11.08.2025, whereby the petitioner was granted the access/visitation rights to contact his daughter through video conferencing on every Sunday of a Month from 10:00 to 12:00 (Noon). Learned counsel submitted that the above right given to the petitioner was not meaningful since the private respondents are creating obstruction and hindrance in such meeting whereby the petitioner could not interact with the minor corpus. Learned counsel further submitted that the corpus has been heavily tutored by her mother and she has been taught such abusive and sexual content which was beyond her age and logic which itself proves that the custody of the corpus with the respondent no.4 is not

3. Per contra, learned counsel appearing for the respondent nos.4 & 5 submits that there are serious matrimonial disputes between the petitioner and his wife _____, as such, they cannot reside together. He further submitted that all the allegations levelled by the petitioner against his wife are baseless and false. He further submitted that looking at the tender age of the corpus, the custody of the corpus should remain with the respondent no.4. With these submissions, it was prayed that the petitioner is not entitled to the custody of the minor corpus.

4. I have heard learned counsel for the parties and also interacted with the corpus _____ aged about five years.

5. During interaction with the corpus _____, she unequivocally expressed certain negative acts being committed by the petitioner and stated that she does not want to reside with him. She disclosed that the petitioner has sexually abused her and has also assaulted her and her mother, as such, she does not want to reside with him but it is apparent that the above facts have been tutored to the corpus by her mother because the way she described the acts was beyond her age and logic. It is apparent that the corpus has been heavily tutored by her mother, as such, no reliance can be placed on her submission that she was sexually abused by her father. It is further apparent that given the tender age of the corpus, she is influenced and it is further apparent that her living with the private respondents is not proper because she has tutored these things to her daughter which will affect her mental health and future. It is very much apparent that given tender age of the corpus, she should not be used as a pawn in the fight between the husband and wife but the respondent has used her as a pawn.

6. After having interaction with the corpus, this Court is of the opinion that a lot of negative things has been tutored to the corpus and it is not good for her welfare if she remains with the respondent no.4

7. In the meanwhile, the respondent no.4 may visit the house of the petitioner to have a meeting with the corpus. The respondent may also talk with the corpus by video conferencing and the petitioner has assured that he will facilitate such conversation of the corpus with the respondent no.4.

8. List this matter on 17.08.2026, as fresh.

9. The matter shall be treated as tied up or part heard to this Bench.

10. On the next date of listing, the petitioner is directed to appear personally before this Court along with the corpus

11. The State and respondent nos.2 & 3 are directed to ensure the safety and security of the petitioner and the corpus to their desired destination.

(Sandeep Jain,J.)

July 9, 2026
Jitendra