

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

D.B. Habeas Corpus Petition No. 18/2022

Naresh Kumar S/o Shri Premaram, Aged About 23 Years, By  
Caste Datha, R/o Kewaripur, District Jalore (Raj.).

-----Petitioner

Versus

1. State Of Rajasthan.
2. Superintendent Of Police, Barmer.
3. S.H.O., Police Station Dhorimanna, District Barmer.
4. Rana Ram S/o Thakara Ram, R/o Koja, Tehsil  
Dhorimanna, District Barmer (Raj.).

-----Respondents

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For Petitioner(s) : Mr. Teja Ram Choudhary.

For Respondent(s) : -

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**HON'BLE MR. JUSTICE SANDEEP MEHTA  
HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI**

**Order**

**19/01/2022**

Heard learned counsel for the petitioner.

The instant habeas corpus petition has been filed by the petitioner seeking a direction for production of one Mst. 'P' in this Court claiming that she is his legally wedded wife and that she has been wrongfully confined.

A perusal of the documents available on record indicates that the date of birth of Mst. 'P', as per her Secondary School Marksheet, is 05.06.2006 and thus, she is minor as on date. The corpus was presented before the Child Welfare Committee and after considering her statement and taking note of the apprehension expressed by the girl, her custody was restored to

her father. The Child Welfare Committee directed the Superintendent of Police, Barmer to ensure the safety of the child and to provide her protection. The Superintendent of Police, Barmer has also issued a letter dated 11.12.2021 in compliance. As the child continued to convey apprehensions regarding her safety and well being, the Child Welfare Committee, Barmer, by order dated 11.12.2021, directed the Superintendent of Police, Barmer to send Mst. 'P' to the Balika Gruh, Jodhpur. Thus, presently, the corpus is being housed at the Balika Gruh, Jodhpur under a valid order of the Child Welfare Committee, Barmer.

It is trite to state that validity of an order passed by the Child Welfare Committee under the Juvenile Justice (Care and Protection of Children) Act, 2015 cannot be examined in a writ of habeas corpus. Apparently, as the corpus has been sent to the Balika Gruh, Jodhpur under a valid order of the Child Welfare Committee in terms of the Juvenile Justice (Care and Protection of Children) Act, 2015, she is not under any kind of illegal confinement. Furthermore, as the date of birth of the corpus recorded in her school documents is 05.06.2006, she being a minor, no one other than her parents can stake a claim for her custody.

As a consequence, we find no merit in this habeas corpus petition which is dismissed as such.

**(VINOD KUMAR BHARWANI),J**

**(SANDEEP MEHTA),J**

78-Tikam/-