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**The High Court Of Madhya Pradesh**  
**WP No. 3439 of 2022**

(SMT. GEETA RAJAK Vs THE STATE OF MADHYA PRADESH AND OTHERS)

**Gwalior, Dated : 23-02-2022**

Shri Ram Kishor Sharma, Advocate for the petitioner.

Shri G.K.Agrawal, Government Advocate for respondent nos. 1 to 3/State.

Shri Ravi Choudhary, Advocate for respondent nos.4 to 6.

Ms. Sapna Jain and Shri Bal Kumar, Sub Inspectors, City Kotwali, Morena are present in Court along with the corpus.

This petition, under Article 226 of the Constitution of India, has been filed by one Smt. Geeta Rajak W/o respondent no.5 Monu Rajak, seeking writ of *habeas corpus* for production of missing corpus of baby boy of two years of age, born out of the wedlock of respondent no.5 and the petitioner, *inter alia* alleging that respondent no.5, under intoxication, has not only ill-treated and subjected her to cruelty and physical assaults, but also ousted her from home and forcibly taken the child in his possession. Therefore, petitioner being mother, in the obtaining facts and circumstances of the case, is entitled to the custody of the baby, regard being had to the age and welfare of the child.

Shri Ravi Choudhary, appearing for respondent no.5 denies the allegations with the submission that petitioner had left the house of respondent no.5 on her own, leaving the child with him. Hence, wild allegations against respondent no.5 are totally unfounded and may not be countenanced.

During the course of hearing, petitioner, her parents and respondent no.5 are present in Court.

Respondent no.5 though states that petitioner is welcome to come back home and live with the family and he shall take all due care, but petitioner has apprehension of recurrence of mis-behaviour and ill-treatment. She is also having threat perception for her life and dignity.

On the other hand, parents of the petitioner present in the Court have welcomed the suggestion of this Court and submit that they are not only prepared to allow respondent no.5 to stay with them but will also take good care of him for the period this Court may direct, so that the family gets re-united for all times to

come.

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This Court appreciates the gesture shown by parents of the petitioner and, accordingly, directs:-

- (i) Respondent no.5 with the baby boy will go with the parents of the petitioner to their house and shall stay there for a period of one month.
- (ii) Parents of the petitioner and the petitioner shall ensure good care of respondent no.5.


This, in fact, is a healing process for healthy and united life of the couple with their baby.

Call out **on 22/3/2020**. Petitioner, her parents, along with respondent no.5 and corpus shall remain present before this Court on that day.

The Sub-Inspectors may leave the child in the custody of petitioner and respondent no.5. Their presence, at this stage, is dispensed with.

**(ROHIT ARYA)**  
**JUDGE**

(and)

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