



1

WP-20029-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

&

HON'BLE SHRI JUSTICE ALOK AWASTHI

ON THE 6th OF JULY, 2026

WRIT PETITION No. 20029 of 2026



AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Prateek Maheshwari - Advocate for the petitioners.

Shri Sonal Gupta - Addl. A.G. along with Shri Charul Tiwari - P.L. for the State.

Ms. Anita Singh - Advocate for the respondent [R-5][CAVEAT].

Ms. Seema Gupta, the Superintendent also present along with the corpus.

ORDER

Per. Justice Subodh Abhyankar

1] Due to paucity of time, the final order could not be pronounced on the Board, and therefore, as an interim relief, the custody of the corpus, who was brought by Ms. Seema Gupta, the Superintendent of Jeevan Jyoti Ashram was handed over to the petitioners.

2] This writ petition under Article 226 of the Constitution of India has been filed in the nature of habeas corpus.

3] The petitioner No.1 happens to be the elder sister of the corpus



whereas, the petitioner No.2 is the father of corpus, a girl aged 14 years studying in class IX.

4] The facts leading to the petition are a bit twisted, however, it is necessary to mention the same. The petition has been filed to produce the corpus who, according to the petitioners, has been taken illegally by the respondents No.3 and 4/District Child Protection Officer and the President, Child Development Committee from their home, on a complaint made by the respondent no.5 wife.

5] Admittedly, against the petitioner No.2, a criminal case No.1332/2021 under Sections 354, 506 of IPC read with Section 9(M)/10) of POCSO Act has been registered at the Police Station Lasudiya, District Indore at the instance of respondent No.5, his wife alleging sexual harassment of his own daughters, including the petitioner no.1 and the corpus. The corpus as also her sister, have already been cross examined in the trial Court and have not supported the case of the prosecution, and subsequently the corpus had started to reside again with her father, the petitioner no.2 from whose custody, she was taken by the respondent no.4 at the instance of the wife of the petitioner no.2.

6] Counsel for the petitioner has drawn the attention of this court to the proceedings of the trial court to substantiate his point that the corpus is forced to reside with her mother and was coerced to give false statement against her father owing to a matrimonial dispute between them. It is also submitted that the corpus is being kept in a shelter home against her will causing loss of her study as she is also preparing for IIT examination.



7] The prayer is vehemently opposed by the counsel for the respondent no.5/wife and attention of this court was also drawn to the statements made by the petitioner no.1 and the corpus in the trial of their father, the petitioner no.2 wherein serious allegations of sexual harassment have been made by them against him. Thus, it is submitted that no case of inter reference is made out.

8] Heard. Having considered the rival submissions and on perusal of the documents filed on record, and to understand the mindset of the corpus, we also have had the interactions with the corpus as also the petitioner No.1 and their mother the respondent no.5.

9] The corpus has unequivocally and in no unclear words has expressed her desire to reside with her sister and father. According to the corpus, her father has been falsely implicated in the case of sexual harassment at the instance of her mother. She has also stated that her father has never ill-treated her in any manner and in fact is looking after of her needs including her study in a reputed private institute as she is also preparing for JEE.

10] So far as petitioner No.1 is concerned, who is also an alleged victim of her father's overtures, she has stated that she is a B.Tech and was working until now. She has also stated that her father/petitioner No.2 herein has always treated her and her sister/the corpus with care and affection, and that she and her sister were coerced to make false allegations of sexual harassment by their mother.

11] It is also found that on 22/06/2026, the corpus who was lodged



in Jeevan Jyoti Ashram, was produced before the court and this court, to ensure that she is not influenced by either of her parents was further directed to continue to reside in the said Asharm for the next fifteen days. Today when she was brought to the court, she was firm in her opinion that she wants to accompany the petitioners. She has also stated that she has already lost precious time to prepare for her forthcoming examinations only due to the matrimonial dispute between her parents.

12] In view of the aforesaid, when both the daughters of the petitioner no.2 are well informed, carrier oriented and are capable of taking their own decision, and the fact that the petitioner No.1 is already residing with her father/petitioner No.2 despite giving a statement against him in the trial Court, and same is the situation with the corpus who also wants to reside with the petitioners and not with her mother, we have no hesitation to come to a conclusion that petitioners have made out a case for interference.

13] Thus, in the best interest of the corpus, we direct that the custody of the corpus be handed over to the petitioners, who are also directed to ensure that no inconvenience is caused to the corpus and the corpus shall always be free to lodge her protest in case of any complaint against her father. For this purpose, a mobile phone shall also be provided to the corpus by the petitioners, and the mobile phone number of the concerned SHO of the police station shall also be given to the corpus, the concerned SHO shall also ensure to attend the phone call of the corpus at any hour of the day.

14] It is also made clear that this Court has not reflected upon the merits of the case pending in the trial Court before whom the criminal case is



5

WP-20029-2026

pending against the petitioner No.2, and the trial court shall not be influenced by the observations made hereinabove.

15] With the aforesaid directions writ petition stands *allowed* and *disposed of*.

(SUBODH ABHYANKAR)
JUDGE

(ALOK AWASTHI)
JUDGE

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