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WP-39794-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE ALPESH Y. KOGJE,
CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VIVEK JAIN

ON THE 30th OF SEPTEMBER, 2026WRIT PETITION No. 39794 of 2026

CNR No.: MPHC010705522026

*SHYAM KUSHWAHA**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Baldeo Prasad Patel - Advocate for the petitioner.

Dr. S.S. Chouhan - Government Advocate for the respondents/State.

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ORDER

Per. Hon'ble Shri Justice Alpesh Y. Kogje, Chief Justice

The present petition is filed for following reliefs:-

"(i) To call for the entire relevant record pertaining to the inquiry/investigation conducted by the police authorities pursuant to the missing person report bearing no 0007/2026 date 6/2/26 time 15.10 hours Rojnamcha no 017 and other complaints, representations and intimation submitted by the petitioner, for the kind perusal of this Hon'ble Court.

(ii) To issue an appropriate writ directing the respondent police authorities to conduct a fair, effective and expeditious investigation and to take all necessary steps, with immediate effect, for tracing and securing the presence of the petitioner's wife, namely Swati Kachhi, and his minor daughter, namely Ritika Kushwaha.

(iii) To issue an appropriate writ, order or direction directing the respondent police authorities to trace and recover the petitioner's minor daughter, namely Ritika Kushwaha, and to produce her before this Hon'ble



Court, and thereafter to pass appropriate orders regarding her custody in accordance with law and in the best interest and welfare of the minor child.

(iv) To further direct the respondent police authorities to inquire into the mobile number and other relevant leads/information furnished by the petitioner, including the transactions relating to the bank account of the petitioner's wife, and to take appropriate action against any person found to be involved in concealing, unlawfully confining or withholding the whereabouts of the petitioner's wife and minor daughter.

(v) To further direct that, upon tracing/finding the petitioner's wife, namely Swati Kachhi, if she is found to be in the custody or confinement of any person against her free will, the present petition may kindly be treated, to that extent, as a petition in the nature of Habeas Corpus and appropriate orders may kindly be passed for securing her liberty and for permitting her to reside with the petitioner, if she voluntarily expresses her willingness to do so, in accordance with law.

(vi) To pass any other order or grant any other relief which this Hon'ble Court may deem just, proper and appropriate in the facts and circumstances of the present case."

2. Pursuant to our earlier direction vide order dated 25.09.2026, the corpus Swati, the mother and corpus Ritika, her minor daughter, who is aged about four and a half years and her date of birth is 14.04.2022, are brought before this Court through lady Sub-Inspector Ms. Shashikala Uike and T.I Shri Rakesh Parteti of Police Station Barela, District Jabalpur. It is reported that both the corpora were in Etawah (U.P.) with one Rajkumar. The corpus Swati is aged 25 years studied upto 6th standard and appears to be capable of understanding the consequences of her acts, whereas Ritika is her daughter, who was born out of the wedlock between the petitioner and the corpus Swati.

3. The Court has interacted with the corpus individually as well as in



presence of the learned counsels and she has expressed her desire to go along with Rajkumar which she attributes to the matrimonial differences with the petitioner.

4. On the other hand, the Court has also interacted with Rajkumar, who is in profession of driving and located at Noida but is a local of Etawah (U.P.).

5. The corpus Swati has also shown her desire to go with Rajkumar. The Court upon interaction with Rajkumar and considering his financial status as well as his financial background deems it fit to give the custody of the child Ritika to the petitioner. The corpus Swati is also ready and willing to allow the corpus Ritika to go along with the petitioner. The Court has ascertained that in the family of the biological father, the petitioner, other family members are there, which includes his two sisters-in-law and their children.

6. Considering the concession given by the corpus Swati allowing the corpus Ritika to go along with her biological father, the petitioner but with certain conditions so as to enable her to have free access to meet the corpus Ritika, the Court accordingly may provide in this order that as and when corpus Swati wants to meet her daughter Ritika, it is open for her to visit the petitioner and she will be given free access to meet her daughter Ritika. The other condition is that the petitioner will once in two months send the corpus Ritika to meet the corpus Swati, wherever she is located, for a period of one week.

7. The concern of corpus Swati is also a reasonable one and therefore



the custody of corpus Ritika will be with the petitioner till he gets remarried. On there being remarriage or having live-in relationship of the petitioner, it would be incumbent for him to handover the possession of corpus Ritika to corpus Swati.

8. With the aforesaid directions, the petition stands disposed of.

(ALPESH Y. KOGJE)
CHIEF JUSTICE

(VIVEK JAIN)
JUDGE

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