



2026:AHC:176563

HIGH COURT OF JUDICATURE AT ALLAHABAD
HABEAS CORPUS WRIT PETITION No. - 833 of 2026

Aranav Aneja Minor And Another

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Anirudh Singh

Counsel for Respondent(s) : G.A., Jai Singh Yadav, Rajiv Kumar Singh

Court No. - 73

HON'BLE SANDEEP JAIN, J.

1. Affidavit filed on behalf of respondent no.4 is taken on record.

2. By order dated 30.07.2026, the State as well as respondent no.4 were directed to produce the minor corpus, Aranav Aneja, before this Court. In compliance with the aforesaid order, the corpus has been produced by SI Pradeep Narayan, PNO No. 234118537, Police Station Khatauli, District Muzaffarnagar.

3. This Court tried to interact with the corpus; however, he was very shy and reluctant to look towards the Court. This Court persuaded him to speak and express his wishes and also asked him how he felt in the company of his father, but he could not express much before the Court.

4. It is apparent that the development of the corpus is not normal, and this Court is quite concerned about his welfare, particularly keeping in view his present mental state.

5. This Court also interacted with the petitioner, Smt. Rishibha Sethi, who is the divorced wife of respondent no. 4, Gaurav Aneja. She submitted that she still wants to reside with her estranged husband. However, it is apparent that, since a decree of divorce has been passed by the competent court on 09.03.2026, it is not possible for her to reside with her erstwhile husband.

6. She further submitted that she has already challenged the judgment and decree of the Family Court granting divorce by filing an appeal, which is pending before this Court.

7. She further submitted that, at present, she is not earning, but she is educated and qualified to earn substantially. She admitted that she is presently residing with her parents and brother and is dependent upon them. She also disclosed that she intends to solemnize marriage in future. She

claimed that, being the mother of the corpus, she is entitled to his custody.

8. This Court gave her sufficient opportunity to interact with the corpus, but she could not have a meaningful dialogue with him. The corpus was also reluctant to interact with her. It was apparent that, at present, there was no emotional bonding between the petitioner and the corpus. To the contrary, the corpus appeared to be comfortable in the company of his father.

9. In view of the aforesaid circumstances, the custody of the corpus cannot presently be handed over to the petitioner. However, she can certainly be granted visitation rights, and, in the facts and circumstances of the case, such visitation rights ought to be granted liberally.

10. Learned counsel for the parties submitted that the petitioner has already been granted visitation rights by the Child Welfare Committee, Muzaffarnagar, vide order dated 22.05.2024. Learned counsel for respondent no. 4 has also submitted, by way of the counter affidavit filed before this Court, that the Child Welfare Committee has provided an opportunity to the petitioner to meet the corpus. However, upon perusal of the relevant documents, this Court is of the considered opinion that the opportunity provided to the petitioner for meeting the corpus is not sufficient. She needs to be granted more liberal visitation rights so as to enable her to develop emotional bonding with her minor son.

11. This Court also interacted with respondent no. 4, Gaurav Aneja, who is the erstwhile husband of the petitioner. He submitted that the matrimonial relationship between him and the petitioner has already been severed, since a decree of divorce has been granted by the competent Family Court.

12. He submitted that he is taking good care of the corpus and is getting him educated in a decent school. He further disclosed that he is engaged in a general merchant business and is earning sufficiently to take care of the corpus. He declined to reside with the petitioner on the ground that their marriage has already been dissolved by a decree of divorce.

13. Having interacted with the parties, this Court is of the opinion that, since sufficient opportunity was not granted by the Child Welfare Committee to the petitioner to interact with the minor corpus, she could not develop proper emotional bonding with him. It is apparent that the petitioner requires more liberal visitation rights so that she may develop proper emotional bonding with the corpus and also assist in his proper growth and development.

14. Accordingly, the petitioner is permitted to have temporary custody of the corpus after school hours every Saturday till 6:00 p.m. on the following Sunday. She shall also be entitled to have the temporary custody of the

corpus during school vacations and holidays. In addition thereto, the petitioner shall be permitted to interact with the corpus daily through video conferencing on mobile between 6:00 p.m. and 9:00 p.m.

15. The petitioner undertakes to restore the custody of the corpus to respondent no. 4 before the efflux of such vacation or holiday, as the case may be, so that the education of the corpus is not hampered.

16. Respondent no. 4 also undertakes that he shall not create any obstruction or hindrance in the meetings and interactions of the corpus with the petitioner.

17. The State as well as respondent nos. 2 and 3 are directed to ensure that the meetings and interactions between the corpus and the petitioner take place in a cordial and congenial atmosphere. The parties shall behave in a dignified manner while exercising custody of the corpus and shall not create any unnecessary unruly scene or disturb public peace and order.

18. With the aforesaid observations and directions, the instant habeas corpus petition is ***disposed of***.

August 20, 2026
Jitendra

(Sandeep Jain,J.)