



2026:AHC:174021

HIGH COURT OF JUDICATURE AT ALLAHABAD

HABEAS CORPUS WRIT PETITION No. - 993 of 2026

Master Aditya Upadhyaya

.....Petitioner(s)

Versus

State Of U.P. And 28 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Sanjiv Maurya
Counsel for Respondent(s)	:	G.A.

Court No. - 73

HON'BLE SANDEEP JAIN, J.

1. Sri Vinod Kumar Pandey, learned counsel for respondent no. 12, has filed his Vakalatnama, which is taken on record.

2. By order dated 04.08.2026, the State was directed to produce the corpus, Master Aditya Upadhyaya, before this Court. In compliance with the said order, the corpus has been produced before this Court by S.I. Vinod Kumar, PNO No. 155062058, and Lady Constable Archana Rathaur, PNO No. 162424690, Police Station Vikas Nagar, District Lucknow.

3. This Court interacted with the corpus, Master Aditya Upadhyaya, who disclosed that he is about 13 years of age and is studying in Class VIII at Montfort Inter College, Mahanagar, Lucknow. He stated that he is happy in the company of his mother/respondent no.12, Smt. Ruchi Tiwari, and does not want to interact or reside with his father/petitioner, Binay Kumar Upadhyaya.

4. Upon interacting with the corpus, this Court is of the considered view that he does not appear to have any emotional bonding with his father and appears to have been heavily tutored by his mother, who does not appear to be willing to facilitate any interaction or meeting between the corpus and his father. The corpus has flatly refused to have any relationship or interaction with his father and has consistently stated that he does not want to reside with him and wants to continue residing with his mother.

5. This Court also interacted with the petitioner, Binay Kumar Upadhyay,

who disclosed that he is still willing to reside with his estranged wife, Smt. Ruchi Tiwari. However, according to him, the same is not possible as his wife has informed him that she has obtained an ex parte decree of divorce against him from a competent court.

6. This Court also interacted with Smt. Ruchi Tiwari, who disclosed that she has been living separately from her husband since 2013 on account of ideological differences between them. She further stated that she alone has brought up the corpus, Master Aditya Upadhyaya, since his infancy. She has obtained a decree of divorce from her husband and, as such, the matrimonial relationship between them stands severed. Therefore, according to her, there is no possibility of their residing together.

7. It is apparent that the corpus shares a strong emotional bond with his mother, Smt. Ruchi Tiwari, who refused to have any conversation or interaction with the petitioner, Binay Kumar Upadhyay, and also declined to meet him. It is also apparent that the corpus is still of tender age and appears to have been tutored. Therefore, the statement made by the corpus before this Court cannot be accepted at its face value.

8. Be that as it may, since the corpus does not wish to reside with the petitioner and is comfortable in the company of his mother, his custody cannot be handed over to the petitioner against his wishes, as the same may prove detrimental to the welfare and well-being of the corpus.

9. Smt. Ruchi Tiwari has disclosed that she is working as a teacher at Modern Academy, Gomti Nagar, Lucknow, and is earning a salary of Rs.31,500/- per month. Thus, she is financially competent to take care of the minor corpus.

10. In view of the aforesaid facts and circumstances, the petitioner can only be granted visitation rights so as to enable him to develop and strengthen the emotional bond with the corpus. Accordingly, the petitioner shall be entitled to meet the corpus at Hanuman Mandir, Aliganj, Lucknow, every Sunday between 11:00 a.m. and 2:00 p.m. The petitioner shall also be permitted to interact with the corpus through video conferencing on a mobile phone between 6:00 p.m. and 9:00 p.m. every day.

11. The State as well as respondent nos. 7 and 8 are directed to ensure that such meetings and interactions between the petitioner and the corpus takes place in a cordial atmosphere and that the same are not obstructed or interfered with by the mother of the corpus, Smt. Ruchi Tiwari.

12. Accordingly, the instant habeas corpus petition is ***disposed of***.

(Sandeep Jain,J.)

August 18, 2026
Jitendra