



2026:AHC:176793

HIGH COURT OF JUDICATURE AT ALLAHABAD

HABEAS CORPUS WRIT PETITION No. - 1122 of 2026

Suyash Tiwari And Another

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Lal Chandra Mishra
Counsel for Respondent(s)	:	G.A.

Court No. - 73

HON'BLE SANDEEP JAIN, J.

By order dated 06.08.2026, the State was directed to produce the corpus, Suyash Tiwari, before this Court. In compliance with the said order, the corpus has been produced before the Court by Ms. Moni Nishad, Sub-Inspector, Police Station Mahila Thana, District Banda.

This Court interacted with the corpus, who disclosed that he is aged about eight years and is studying in Class IV. He further stated that he is presently residing with his mother, Smt. Nidhi Tiwari. The corpus stated that his father, Avinash Tiwari, frequently accosts and abuses him and, therefore, he does not wish to reside with him. He further stated that he is comfortable in the company of his mother and does not wish to live with his father.

This Court also interacted with respondent No.5, Smt. Nidhi Tiwari, the estranged wife of the petitioner, who stated that, on account of the cruelty and harassment allegedly meted out to her in her matrimonial home, she is presently unwilling to reside with the petitioner, Avinash Tiwari. She, however, stated that she would be willing to resume cohabitation with the petitioner and reside in her matrimonial home, provided her husband gives an undertaking that he would treat her with dignity and respect and would not subject her to any act of cruelty or harassment.

The petitioner, Avinash Tiwari, was also interacted with by the Court. He denied the allegations levelled against him by his estranged wife. However, upon being persuaded by the Court, he gave an undertaking

that, in the event his wife agrees to reside with him along with the corpus in their matrimonial home, he would receive and treat her with dignity, respect and honour and would not indulge in any act or conduct which may cause her any grievance or give rise to any complaint against him.

Respondent No.5 has also undertaken that she would conduct herself with due restraint and decorum, discharge her maternal responsibilities towards the corpus, and would not create any unpleasant or unruly situation in the matrimonial home. She has further expressed her willingness to accompany the petitioner forthwith from the Court to her matrimonial home.

In view of the intervention of the Court and the undertakings furnished by both the spouses, they have agreed to make an attempt to reside together peacefully in their matrimonial home. In these circumstances, at this stage, it is not considered necessary to adjudicate upon the question of custody of the corpus finally. The primary concern of the Court, for the present, is to ensure the welfare and safety of the minor corpus and to provide an opportunity to the spouses to resolve their matrimonial differences amicably.

Since the parties have agreed to act upon the aforesaid undertakings and to resume their matrimonial relationship, this Court is not inclined to dispose of the present petition finally at this stage. The petitioner, respondent No.5 and the corpus shall remain personally present before this Court on the next date fixed, i.e. 29.10.2026.

The State authorities, as well as respondent Nos.3 and 4, are directed to ensure, to the extent possible, that the spouses reside peacefully in their matrimonial home and that no act or conduct is committed by either of them which may adversely affect the safety, security or well-being of the other spouse or the corpus.

List this matter as fresh on 29.10.2026. The matter shall be treated as part heard by this Bench.

(Sandeep Jain,J.)

August 20, 2026

Himanshu