APHC010220092026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3558]**
(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 10975/2026

Between:

1. ABRAHAM SIMONS, S/O SYED ABDUL KHADER, AGED ABOUT 50 YEARS, PRESENTLY WORKING AS ASSOCIATE GENERAL MANAGER HCL TECHNOLOGIES, R/O 4521, ALOKVIHAR-1, SECTOR 50, NOIDA, GAUTAM BUDDHA NAGAR, UTTAR PRADESH STATE

...PETITIONER

AND

1. THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY, HOME DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI.
2. THE SUPERINTENDENT OF POLICE, ANANTHAPURAMU DISTRICT, ANDHRA PRADESH.
3. THE STATION HOUSE OFFICER, ANANTHAPURAM II TOWN POLICE STATION ANANTHAPURAMU DISTRICT.
4. ABAGAIL SIMONS, D/O LATE OLIVER SOLOMON, AGED ABOUT 47 YEARS, R/O D.NO. 11-904, 1ST CROSS, ARAVIND NAGAR, ANANTHAPURAMU, ANDHRA PRADESH.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ of Habeas Corpus declaring the action of the 4th

respondent in forcibly retaining the minor child, restricting his liberty is illegal, arbitrary, and violative of the fundamental rights of the minor child guaranteed under Articles 19 and 21 of the Constitution of India directing the respondents to produce the minor child Ethan Simons before this Hon'ble Court and upon interaction, be pleased to entrust his custody to the petitioner, and pass

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent Police to produce the minor child Ethan Simons the before this Hon'ble Court, pending disposal of the writ petition and pass

Counsel for the Petitioner:

1. BHASKAR PREM KOUSHIK

Counsel for the Respondent(S):

1. M S P REDDY
2. THE ADVOCATE GENERAL

The Court made the following:
ORDER: *(Per Hon'ble Sri Justice Cheekati Manavendranath Roy)*

This writ petition for Habeas Corpus under Article 226 of Constitution of India is filed seeking declaration that the action of the 4th respondent in forcibly retaining the son of the petitioner, by name Ethan Simons, who is a minor, aged about 14 years, is illegal, and sought direction to the respondent Nos.1 to 3-Police Officials, to produce the corpus before the Court and to give his custody to the petitioner, who is the father of the minor child.

2. Heard learned counsel for the petitioner, learned Assistant Government Pleader attached to the office of the learned Advocate General appearing for the official respondent Nos.1 to 3 and learned counsel for the 4th respondent.

3. The petitioner is the father of the corpus, by name of Ethan Simons, who is a minor, aged about 14 years and 5 months. The 4th respondent is the wife of the petitioner and the mother of the corpus. On account of the disputes cropped up between the petitioner and the 4th respondent, a decree of divorce was granted, dissolving the marriage of the petitioner and the 4th respondent, by a Court of law. Since then, they are living separately. The petitioner is staying in Noida, whereas the 4th respondent is staying in Ananthapuramu in the State of Andhra Pradesh. It is the case of the petitioner that after the decree of divorce was passed, dissolving the marriage of the petitioner and the 4th respondent, in D.O.P.No.15 of 2023, the corpus, who is the minor child, has been residing with the 4th respondent. It is stated that he has been consistently expressing his will and desire to reside with the petitioner, to have a better education. It is stated that on 05.04.2026 at about 02.00 p.m., the corpus has contacted the petitioner and informed him that he was in distress and he was crying and also informed him that he was forcibly restrained by the 4th respondent and he was prevented from moving freely. Therefore, the petitioner has filed the instant writ petition, seeking the aforesaid relief.

4. When the writ petition came up for admission on 24.04.2026 before this Court, while granting time to the learned Assistant Government Pleader, who has taken notice for the official respondent Nos.1 to 3, to seek instructions and while ordering notice to the unofficial respondent No.4, we have directed the 3rd respondent-Station House Officer of Ananthapuramu II Town Police Station to produce the corpus before the Court today.

5. However, the corpus is voluntarily present before the Court today, along with the petitioner, who is his father. The 3rd respondent-Station House Officer of Ananthapuramu II Town Police Station is also present before the Court today. He and the learned Assistant Government Pleader, on instructions, submits that the corpus has earlier left the company of his mother, who is the 4th respondent and voluntarily went away to the house of the petitioner, who is his father, which is in Noida and thereafter, the Police went to the house of the petitioner and brought the corpus and produced him before the Child Welfare Committee, Ananthapuramu and the authorities of the Child Welfare Committee again have given the custody of the corpus to the 4th respondent, who is his mother. They further stated that on 28.04.2026 the corpus has again voluntarily left the house of the 4th respondent and went away to the house of the petitioner, which is in Noida, and from there both the petitioner and the corpus came to the Court today.

6. We have interacted with the corpus, who is present in the Court today, who is a minor, aged about 14 years 5 months, as stated by him. He has stated that he is studying ninth class and he voluntarily went away from the house of the 4th respondent, to the house of the petitioner, who is his father, which is in Noida and living with him. He has stated that he intends to live with his father only.

7. Learned counsel for the 4th respondent, on instructions, also submits that the 4th respondent also has no objection for the corpus to live with the petitioner, who is his father.

8. Therefore, as the corpus expressed his intention voluntarily to live and stay with his father, who is the petitioner herein and as the 4th respondent, who is his mother, has also no objection for the same, the Writ Petition is disposed of, permitting the corpus to accompany the petitioner, who is his father, and stay with him, as per his will and desire. There shall be no order as to costs.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

JUSTICE TUHIN KUMAR GEDELA

Date: 08.05.2026
MDP