APHC010367672026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

WEDNESDAY, THE 30th DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

WRIT PETITION NO: 19597 OF 2026

Between:

1. Nallagatia Joshna, , W/o N Venkateswarlu, Age. 25 years, Occupation. Housewife, R/o C/o Gadham Chinna Rao, D.No. 1-418-24/A, Kamakoti Nagar, Vijayawada, NTR District, 520 012.

...Petitioner

AND

1. State of Andhra Pradesh, Rep. by its Principal Secretary Home Department, Secretariat Buildings Amaravati, Thulluru Mandal, PIN - 522 238

2. The Director General of Police, Andhra Pradesh, Mangalagiri, Guntur District-522 503.

3. The Commissioner of Police, NTR District Police Commissionerate Vijayawada, NTR District - 520 002.

4. The Station House Officer, Women Police Station - Vijayawada City NTR Police Commissionerate, Vijayawada NTR District - 520 002

5. Nallagatia Venkateswarlu, S/o Kondaiah, Age. 31, Years, Occ. Private Employee, R/o Rajupalem Village Kaluvoya Mandal, SPS Nellore District - 524 343

6. Nallagatia Varalakshmi, W/o Name Not Known Aged about 34 years, Police Constable, Somasila Police Station, SPS Nellore District - 524 301.

...Respondents

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 topleased to issue an appropriate Writ or order or direction, more particularly one in the nature of WRIT OF HABEAS CORPUS, directing the respondent officers to rescue my baby (Venkata Eeshan) from the unlawful detention and custody held by Respondents No. 5 and 6 and produce him before this Honble Court to be handed over to the petitioner and in the facts and circumstances of the case, 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 may be pleased to grant leave to the petitioner for filing the reply affidavit and to allow the Writ Petition AND pass

Counsel for the Petitioner: K S MURTHY ASSOCIATES

Counsel for the Respondents: KOMARA PRUDHVI RAJ Counsel for the Respondents:THE ADVOCATE GENERAL

The Court made the following order:

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

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ORDER: *(per Ravi Nath Tilhari, J)*

Heard Sri K.S. Murthy, learned Senior Counsel assisted by Sri V.N.S.K. Sasidhar, learned counsel for the petitioner, Sri J. Krishna Praneeth, learned Assistant Government Pleader appearing for the respondent Nos.1 to 4 and Sri K. Prudhvi Raj, learned counsel for the respondent No.5.

2. The petitioner (mother) is present. The respondent No.5 (father) is also present with the minor child (son) aged about 2½ years.

3. On consideration of the submissions advanced and also going through the contents of the writ petition, counter affidavit and reply affidavit as well as the documents annexed with the counter affidavit, we consider it not appropriate to mention about the allegations and the counter allegations which are of serious nature, in our order or to make any observation on the merits of the contentions/allegations, except that the custody of the child (son) with the father in all cases cannot be termed as illegal custody so as to invoke the jurisdiction of the Court under Article 226 in a writ of Habeas Corpus nor it can be said that his custody is detrimental to the welfare of the child. Such an enquiry in the welfare and best interests of child, we are of the view that, in the present

case, can be better left at this stage to the Competent Court in a duly constituted proceedings for the guardianship/custody, for which the parties are at liberty.

4. The child has been living with the father since 23.06.2026 as submitted by the learned counsel for the parties and we do not find it fit to disturb such custody by way of a writ of Habeas Corpus.

5. We dispose of the writ petition for Habeas Corpus, observing that the petitioner shall be at liberty to take recourse to such other proceedings as may be available under law, if so advised.

6. An appropriate application seeking visitation rights may also be filed before the competent Court. If any such petition is filed, the Court concerned shall consider the same without being influenced by any of the observations, if any, made in this order.

No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, shall also stand closed.

RAVI NATH TILHARI,J

ALAPATI GIRIDHAR,J

Dated: 30.09.2026
SRT

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THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

WRIT PETITION NO: 19597 OF 2026

Dated: 30.09.2026
SRT