



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

D.B. Habeas Corpus Petition No. 496/2025

Neetu Kumari D/o Malaji, Aged About 21 Years, R/o Basra Dhanji, Dist. Jalore (Raj.), Currently Living At Naya Mulewa, Moolewa, District Jalore, Raj.

-----Petitioner

Versus

1. The State Of Rajasthan, Through Secretary Home Department, Government Of Rajasthan, Secretariat, Jaipur.
2. Superintendent Of Police, District Jalore, Rajasthan.
3. Station House Officer (Sho), Police Station- Ramseen, District- Jalore (Raj.).
4. Station House Officer (Sho), Police Station- Bhadrajun, District- Jalore (Raj.).
5. Gordhan K S/o Kheta Ram, R/o- Basra Dhanji, Dist. Jalore (Raj.).
6. Khetaram, R/o- Basra Dhanji, Dist. Jalore (Raj.).

-----Respondents

For Petitioner(s) : Mr. Ankit Ghorela for
Mr. Mudit Vaishnav

For Respondent(s) : Mr. Deepak Choudhary, GA cum AAG
assisted by Mr. Kuldeep Singh.
Mr. Jaisingh, ASI, Police Station-
Ramseen, District Jalore (Present-in-
person)

**HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA**

Order

12/01/2026

1. Heard learned counsel for the parties.
2. The present habeas corpus petition has been filed by the petitioner-mother of a child, who is 2 years and 7 months old.



3. Learned counsel for the petitioner submits that the child is in the custody of his father and there is threat to his life. He further submits that the child is in illegal detention of the private respondent No.5- Gordhan, who is the father of the child.

4. In the considered opinion of this Court, a child cannot be said to be in illegal detention of his father, more particularly, when he is minor. We are of the view that there is a marital discord between the husband(respondent No.5) and the wife (petitioner), who is claiming the custody of her son and also the habeas corpus petition cannot be filed for claiming the custody of the child, therefore, for the redressal of her grievance, the petitioner may take appropriate remedy available under the law.

5. In view of the discussion made above, the present habeas corpus is devoid of force and the same is hereby dismissed.

(CHANDRA SHEKHAR SHARMA),J **(VINIT KUMAR MATHUR),J**

7-SuniIS/Shahenshah-

