

*** THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI**
*** THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR**
CHINTALAPUDI

WRIT PETITION NO: 18034/2026

% DATE: 28.07.2026

In Re...

.....Petitioner

And:

**\$ The State of Andhra Pradesh, rep., by its
Principal Secretary, Home Department
and five others**

.... respondents

!Counsel for the petitioner : Smt. Santhi Sree Vallabhaneni

^Counsel for the respondent Nos.1 to 4&6 : Sri J.Krishna Praneeth, AGP

<Gist:

>Head Note:

? Cases referred:

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

* * * *

WRIT PETITION NO: 18034/2026**Between:**

In Re...

..... PETITIONER

AND

The State of Andhra Pradesh, rep., by its Principal Secretary, Home Department and five others

....RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 28.07.2026

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE RAVI NATH TILHARI

&

THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR
CHINTALAPUDI

1. *Whether Reporters of Local newspapers may be allowed to see the Judgments?* Yes/No
2. *Whether the copies of judgment may be marked to Law Reporters/Journals* Yes/No
3. *Whether Your Lordships wish to see the fair copy of the Judgment?* Yes/No

RAVI NATH TILHARI,J_____
PURUSHOTTAM KUMAR CHINTALAPUDI,J

APHC010341252026



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

[3601]

TUESDAY, THE 28th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

**THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR
CHINTALAPUDI**

WRIT PETITION NO: 18034/2026

Between:

1. IN RE, IN RE

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP., BY ITS PRINCIPAL SECRETARY, HOME DEPARTMENT, A.P. SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT 522237.
2. DIRECTOR GENERAL OF POLICE DGP, ANDHRA PRADESH, MANGALAGIRI, GUNTUR DISTRICT. 522503
3. SUPERINTENDENT OF POLICE C I D, RAJAMAHENDRAVARAM, EAST GODAVARI DISTRICT, ANDHRA PRADESH 533103.
4. INSPECTOR OF POLICE C I D, RAJAMAHENDRAVARAM, EAST GODAVARI DISTRICT, ANDHRA PRADESH 533103
- 5.

6.THE STATION HOUSE OFFICER SHO, PRAKASH NAGAR POLICE STATION,CENTRAL ZONE, RAJAMAHENDRAVARAM,EAST GODAVARI DISTRICT. RESPONDENT NO.5 AND 6 ARE IMPEADED AS PER C.O.DT.23.07.2026 IN W.P.NO.18034 OF 2026.

...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 topleased to issue a Writ, Order or direction, more particularly, one in the nature of Writ of Habeas Corpus, directing the respondents to trace and secure the presence of minor children viz.,

before this Hon'ble Court and to restore the lawful custody of the said minors to the writ petitioner who is their mother and natural guardian and to issue appropriate directions to all the respondents concerned in the matter and to pass

Counsel for the Petitioner:

1.TAKEN UP

Counsel for the Respondent(S):

1.GP FOR HOME

The Court made the following:

JUDGMENT:- (per Hon'ble Sri Justice Ravi Nath Tilhari)

Heard Smt.Santhi Sree Vallabhaneni, learned Legal Aid Counsel, appearing for the petitioner and Sri J.Krishna Praneeth, learned Assistant Government Pleader, attached to the office of learned Additional Advocate General, appearing for respondents 1 to 4 and 6.

2. The aforesaid W.P.No.18034 of 2026 was registered on the representation / letter sent by the petitioner to the Hon'ble The Chief Justice through the Registry.

3. The petitioner send letter dated 28.06.2026 is being reproduced as under:

"TO
THE HON'BLE THE CHIEF JUSTICE
AND HIS COMPANION JUDGES,
HIGH COURT OF ANDHRA PRADESH,
AMARAVATI.

FROM

SUBJECT: Letter Petition seeking issuance of a Writ of Habeas Corpus under Article 226 of the Constitution of India to trace and produce my two minor children,

RESPECTED LORDSHIP,

I, _____, most
humbly and respectfully submit the following facts for the kind and urgent
intervention of this Hon'ble Court.

I am legally wedded to _____
who is a permanent resident of Rajamahendravaram. Following our

marriage, we resided together at D.No. 37-10-157/1, Ayyappa Nagar, Visakhapatnam.

Out of our wedlock, we are blessed with two male children. Until the incident detailed below, both minor children were in my care and custody. Their details are as follows:

Recently, my husband, _____ became involved in a criminal proceeding. A case has been registered against him by the Rajamahendravaram CID Police under Crime No. 22/2024.

In an attempt to abscond and escape the ongoing police investigation and imminent legal consequences, my husband fled. In the process of doing so, he unlawfully and forcibly removed both of my minor children from my lawful care and custody.

Presently, the whereabouts of my husband and my two minor children are completely unknown. Despite my most strenuous efforts, I have not been able to trace them. As a mother, I am in a state of severe mental agony and harbor grave apprehensions regarding the safety, welfare, and physical well-being of my young boys while they are in the custody of an absconding individual evading the law.

PRAYER

In light of the above exceptional and urgent circumstances, I humbly pray that this Hon'ble Court may be pleased to treat this letter as a Writ Petition of Habeas Corpus and issue appropriate directions/writs to the concerned police authorities (including the CID Police, Rajamahendravaram) to:

Trace and secure the presence of my two minor children,

Produce the minor children before this Hon'ble Court.

Restore the lawful custody of the minor children to me, their mother and natural guardian.

Pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice and the welfare of the minor children.

Thanking you,

Yours faithfully,

Date: 28-06-2026

Place: Rajamahendravaram"

4. On 23.07.2026, the following order was passed by this Bench:

“This Writ Petition was registered as a ‘Taken-up Writ Petition’ on the representation/letter of the writ petitioner, addressed to the Hon’ble Chief Justice, received in the Registry, stating that she is the mother of two minor children, namely, (i) _____, aged 12 years, and (ii) _____, aged 10 years, and that they are in the custody of her husband. There were certain criminal cases pending against the husband. The whereabouts of the husband, so also the minor children, were completely unknown to the petitioner.

2. The matter has been listed before this Bench under the orders of the Hon’ble Chief Justice.

3. Sri J. Krishna Praneeth, learned Assistant Government Pleader, attached to the office of the learned Additional Advocate General, appearing for respondent Nos.1 to 4, submits based on the written instructions received from the Station House Officer, Prakash Nagar Police Station, Central Zone, Rajamahendravaram, East Godavari District, that the husband, namely, _____, had earlier filed CrI.P.No.9564 of 2025, along with another person (accused Nos.1 and 2, respectively), before the High Court for the State of Telangana at Hyderabad under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), for quashing of the proceedings, including the investigation, in F.I.R. No.175 of 2025, dated 07.07.2025, on the file of the Police Station, WPS-IT Corridor, Cyberabad. In the Criminal Petition, the present petitioner was impleaded as respondent No.3. CrI.P.No.9564 of 2025 was allowed on 18.09.2025. The proceedings against the petitioners therein/accused Nos.1 and 2 in the F.I.R. were quashed.

4. Learned Assistant Government Pleader further submits that, as per the judgment in CrI.P.No.9564 of 2025, there was a Memorandum of Understanding (MoU) dated 26.03.2025 said to have been entered into between the present writ petitioner and her husband (respondent

No.3 herein/petitioner No.1 in CrI.P.No.9564 of 2025). In terms thereof, *inter alia* it was agreed between them that, in full and final settlement of the dispute, a sum of Rs.10,00,000/- would be paid to the petitioner herein and the custody of the children would be handed over to the husband (petitioner No.1 in CrI.P.No.9564 of 2025).

5. For the sake of convenience, the contents of the MOU, as also the order in Criminal Petition No. 9564 of 2025 are reproduced as under :

"MEMORANDUM OF UNDERSTANDING"

This Memorandum of Understanding (MOU) is entered into on this 26th day of March, 2025, by and between:

Mr. _____, son of _____, aged 44 Years,
Occ: Direction film Industry residing at _____
_____ Telangana-500104, presently
residing at _____
_____, Hyderabad. _____ .hereinafter
referred to as "Husband."

AND

Smt. _____, Wife of _____, daughter of _____
aged 35 Years, Occ: House Wife,
_____ Telangana-500104, Aadhaar No. _____, hereinafter referred to as "Wife."

WHEREAS:

1. The Husband and Wife were married on 17th March, 2012 according to Hindu Customs and Traditions.
2. Due to irreconcilable differences, the parties have mutually agreed to dissolve their marriage by mutual consent.
3. The parties wish to record the terms of their settlement in this MOU

NOW, THEREFORE, IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:

1. Mutual Consent Divorce: Both parties agree to file a petition for divorce by mutual consent under the applicable laws.

2. Financial Settlement: The Husband agrees to pay the Wife a sum of Rs. 10,00,000/- (Rupees Ten Lakhs Only) as a full and final settlement. This amount shall be paid in two installments:

- *Rs. 5,00,000/- (Rupees Five Lakhs Only) shall be paid at the time of filing the mutual consent divorce petition, and a cheque bearing No. 002912 dated 01.04.2025, drawn on ICICI Bank, Account No. 020201546320, will be issued by the Husband to the Wife towards this payment.*
- *Rs. 5,00,000/- (Rupees Five Lakhs Only) shall be paid at the time of the final decree of divorce, and a cheque bearing No. 002914 dated 01.10.2025, drawn on ICICI Bank, Account No. 020201546320, will be issued by the Husband to the Wife towards this payment. It is agreed that if the divorce decree is granted earlier, the Husband shall take back this cheque and issue a new cheque with the date of the final divorce decree.*
- *The Husband agrees to pay the Wife Rs. 30,000/- (Rupees Thirty Thousand Only) per month, between the 1st and 10th of each month, for a period of 12 months, commencing from June 2025 to May 2026.*

3. Property Rights: The Wife hereby declares that she shall have no further claim or right whatsoever in any movable or immovable property belonging to the Husband or his parents, either presently or in the future, beyond the settlement mentioned in clause 2.

4. Child Custody : The parties mutually agree that the custody and care of the children born out of their namely Tanuku Dhanush Vahin, aged 11 Years and Tanuku Charan Rajeev aged 8 Years shall remain solely with the Husband.

5. Waiver of Further Claims:

- The Wife shall have no right to claim custody or possession of the children.
- The Wife hereby agrees that she shall not initiate or pursue any criminal proceedings against the Husband or his family members, including but not limited to cases under Section 498A of the Indian Penal Code (or the equivalent section under the Bharatiya Nyaya Sanhita (BNS)).

- The wife agrees that she will not file any cases under the Domestic Violence Act.
- The wife agrees to not file any cases for maintenance.

6.Full and Final Settlement: This MOU represents the full and final settlement of all claims and disputes between the parties arising out of their marital relationship.

7. Binding Agreement: This MOU shall be legally binding on both parties and their respective heirs, successors, and assigns.

8. Governing Law: This MOU shall be governed by and construed in accordance with the laws of India.

9. Legal Counsel: Both parties acknowledge that they have entered into this agreement freely and voluntarily, and have had the opportunity to seek independent legal counsel.

10. Execution in Two Original Sets: This Memorandum of Understanding (MOU) is executed in two original sets, each of which shall be deemed an authentic and binding document. Both parties acknowledge receipt of one original copy of this MOU, which shall serve as an official record for their respective files. Both sets are of equal legal validity, and any reference to this MOU shall be made to both originals unless specified otherwise."

Criminal Petition No.9564 of 2025

This criminal petition is filed seeking to quash the proceedings in FIR No.175 of 2025 on the file of WPS-IT Corridor, Cyberabad against the petitioners-accused Nos.1 and 2, for the offences under Sections 85 and 115 (2) of Bharatiya Nyaya Sanhita, 2023 and Sections 3 and 4 of Dowry Prohibition Act, 1961 (for short 'DP Act').

2. Heard Mr.L.Bhargava Krishna, learned counsel for petitioners and Smt.S.Madhavi, learned Assistant Public Prosecutor appearing for the respondent Nos.1 and 2-State.

3. Learned counsel for the petitioners submitted that the de facto complainant is not residing with the petitioners, and that due to the strained relationship between them, a Memorandum of Understanding (MoU) was executed on 26.03.2025. As per the MoU, custody of the

children was given to petitioner No.1, and certain amounts were agreed to be paid to the de facto complainant by way of cheques. Subsequently, the de facto complainant gave the money to a third person, who later betrayed her. Following this, she lodged a complaint vide FIR No.745 of 2025 dated 15.04.2025 against one Pavan Vangirra. Since she was unable to settle down with him, she filed the said complaint under Sections 6a(2)(m) and 318(4) of the BNS which clearly indicates that she was in a relationship with the said person, as reflected in the contents of the complaint. She also narrated that her acquaintance with the said person developed through Facebook, and subsequently, she filed the present complaint dated 07.07.2025, registered as FIR No.175 of 2025, under Sections 85 and 115(2) of the BNS and Sections 494 and 4 of the Dowry Prohibition Act, against the petitioners herein.

4. Learned counsel therefore submits that, after the execution of the Memorandum of Understanding, the petitioners and the de facto complainant have not been residing together. He further contends that the allegations made by the de facto complainant are solely intended to harass the petitioners, and hence prayed to quash the proceedings against the petitioners.

5. When the notice was served on Respondent No.3 at the address available on record, it was returned as 'unclaimed' and is therefore deemed to have been duly served.

6. Perused the record.

7. Record reveals that the Memorandum of Understanding dated 26.03.2025, along with the terms agreed upon between both parties, constitutes a full and final settlement of the dispute. As per the agreement, a sum of Rs.10 lakhs was to be paid to the de facto complainant by way of cheques, and the custody of the children was handed over to the husband, who is petitioner No.1 herein.

8. The record further discloses that the de facto complainant had lodged a complaint vide FIR No. 745 of 2025 under Sections 64 (2) (m) and 314 (4) of the BNS against one Pavan Vangirra, alleging that he had deceived her after exploiting her on the pretext of marriage. Subsequently, she filed the present complaint against the petitioners, making allegations that they had harassed her for additional dowry. It is pertinent to note that both parties had earlier arrived at a compromise and have since been living separately. It is also admitted that the de facto complainant was in a relationship with another person during this period.

9. The facts of the present case are squarely covered by the judgment of Apex Court in *Dara Lakshmi Narayana v. State of Telangana*¹, wherein in the said case, the respondent No.2/wife used to leave the matrimonial home uninformed and in one such occasion when she left the matrimonial house, the husband made a police complaint and when the police found

¹ (2025) 2 SCC 735

her whereabouts, she was allegedly living with someone and that after being counselled, she returned to her matrimonial home. 11. was further submitted that the wife addressed a letter to the Deputy Superintendent of Police, Thirupathur Sub-Division requesting to close the complaint made by appellant No.1 wherein, she admitted that she had left her matrimonial house after quarrelling with appellant No.1 because of one Govindan, with whom she was talking over the phone for the past ten days continuously and that she would not repeat such acts in future. It was further submitted that respondent No.2 again left the matrimonial house leaving appellant No.1 and children behind. Then the husband having no other option has issued a legal notice seeking divorce by mutual consent. Thus, as a counter blast the present FIR was filed by respondent No.2/wife. Further, in the said case, there were no specific allegations against the appellants. In that backdrop, the Apex Court has held that when there are no specific allegations against the appellants and there is admission made by the respondent No.2-wife that she had left her matrimonial house after quarrelling with appellant No.1 because of one Govindan, with whom she was talking over the phone for the past ten days continuously and that she would not repeat such acts in future, the appeal was allowed and the impugned order of the High Court was set aside and as a result, the proceedings before the trial Court were quashed.

10. In view of the ratio laid down in *Dara Lakshminarayana's case*, in the absence of specific overt acts against the petitioners, the continuation of proceedings would amount to an abuse of the process of law.

11. Accordingly, the Criminal Petition is allowed. The proceedings against the petitioners/accused Nos.1 and 2 in FIR No.175 of 2025 on the file of WPS-IT Corridor, Cyberabad are hereby quashed.

Pending miscellaneous applications, if any, shall stand closed."

6. So, *prima-facie*, it appears that there exists a Memorandum of Understanding (MOU) dated 26.03.2025, between the present petitioner and her husband, according to which the custody of the minor children was handed over to the husband.

7. However, we are not expressing any final view for the reason that from perusal of the judgment dated 18.09.2025 passed in CrI.P.No.9564 of 2025, paragraph 5 thereof, it is evident that, in the Criminal Petition, the present petitioner (respondent No.3 therein) did not appear despite service of notice, which was deemed to have been served on her. Paragraph 5 of the judgment reads as under:

"When the notice was served on respondent number 3 at the address available on record, it was returned as unclaimed and is therefore deemed to have been duly served."

8. There is no mention of the judgement dated 18.09.2025 in CrI.P.No.9564 of 2025 or of the MOU dated 26.03.2025, in the representation sent by the present petitioner. She may or may not be aware, we cannot say at this stage.

9. The petitioner's husband is not made a party in the present writ petition. Though, the writ petition is for *Habeas Corpus* for custody of the minor children by their mother, on the averment of custody with her husband.

10. The matter requires investigation in depth in the writ petition.

11. We, therefore, direct the Registry to implead the husband of the petitioner (petitioner No.1 in Criminal Petition No. 9564 of 2025), with his detailed particulars, as respondent No.5 in the present writ petition.

12. We further direct the Registry to implead the Station House Officer (SHO), Prakash Nagar Police Station, Central Zone, Rajamahendravaram, East Godavari District, from whom instructions have been received by the learned Assistant Government Pleader (AGP), as respondent No.6 in the writ petition.

13. Issue notice to respondent No.5.

14. Notice on respondent No.6 shall be served in the office of the learned Advocate General.

15. We deem it appropriate to direct the Registry that the copy of the order dated 18.09.2025 in Criminal Petition No. 9564 of 2025 of the

High Court of Telangana be made part of this writ petition. The copy of the MOU dated 26.03.2025, as referred in the order of Criminal Petition No. 9564 of 2025, shall also form part of the writ petition.

16. List the matter on **28.07.2026**.

17. On that date, respondent Nos.4 & 6 shall produce the children from the persons in whose custody the children may be, whether the respondent No. 5, or his parents. The petitioner and respondent No.5 shall remain present on the next date.

18. A copy of this order shall be served on respondent Nos.1 to 4 & 6 through the office of the learned Advocate General.

19. A copy of this order shall be sent to the petitioner and she shall be communicated of this order by the Registry of this Court.

20. A copy of this order shall be served on respondent No.5 through respondent No.6 as well.

21. Since this petition has been registered as a taken-up petition on the basis of the representation submitted by the petitioner, we request the Member Secretary of the Andhra Pradesh Legal Services Committee, High Court of Andhra Pradesh, to contact the petitioner on the mobile number provided in her representation, which the Registry shall provide with full particulars to Member Secretary. The Member Secretary shall extend all necessary legal assistance, as may be requested by her, in the present matter, for any legal aid.

22. A copy of this order also be served on the Member Secretary, Andhra Pradesh Legal Services Committee, High Court of Andhra Pradesh.”

5. In the aforesaid order dated 23.07.2026, we referred to the Memorandum of Understanding in Para No.5, as also the Order passed in Crl.P.No.9564 of 2025 by the High Court of Telangana.

6. Today, in the morning session, when the matter was taken up, we passed the following order:

“The petitioner, Smt. _____, is appearing as party-in-person.

2. Respondent No.5/husband, _____, and the mother-in-law of the petitioner, along with the children, namely, (i)

_____ are present.

3. The petitioner expresses her inability to understand or interact in the English language. She submits that she knows Telugu.

4. Consequently, we request the Secretary, Andhra Pradesh High Court Legal Services Committee, High Court of Andhra Pradesh, to provide her with Legal Aid Counsel, preferably a Lady Advocate, who shall explain her the order dated 23.07.2026 and shall assist her in Court proceedings.

5. The matter will be taken up at **2.15 p.m.** today.

6. In the meantime, the petitioner shall be allowed to meet her children, who are present with respondent No.5 and the mother-in-law. The Secretary of the Committee shall make necessary arrangements in that regard.”

7. The petitioner namely Smt. _____ stated before us that she does not understand English language. In fact, the aforesaid statement (in regional language) was made to our specific query about the order passed

by us on 23.07.2026 and the Memorandum of Understanding dated 26.03.2025 and the order of the High Court of Telangana. She stated that the order dated 23.07.2026 was received by her on her Whatsapp, but she could not read as she did not know English. We had no reason to disbelieve and so we did not record all these in the order passed in the morning session, though we asked her that her representation was in English language.

8. In compliance of the aforesaid order, the Andhra Pradesh High Court Legal Services Committee provided her with a Legal Aid Counsel, Smt. Santhi Sree Vallabhaneni. When the matter is taken up after lunch, the petitioner appeared with the learned counsel Smt.Santhi Sree Vallabhaneni. Learned counsel submits that the petitioner knows English. She herself provided copy of the Memorandum of Understanding dated 26.03.2025 as also order dated 18.09.2025 of the High Court of Telangana to the said counsel. The petitioner read the Memorandum of Understanding in English before us, which she read fluently. On our specific query as to why the Memorandum of Understanding and the order of the High Court at Telangana dated 18.09.2025 were not disclosed in her representation dated 28.06.2026, she stated that she did not consider it relevant to disclose.

9. As per the Memorandum of Understanding, in point No.4, between the parties, the custody and care of the children was to remain solely with the husband (R5). Point No.4 reads as under:

“4. Child Custody: The parties mutually agree that the custody and care of the children born out of their namely Tanuku Dhanush Vahin, aged 11 Years and Tanuku Charan Rajeev aged 8 Years shall remain solely with the Husband.”

10. Once it was agreed mutually between the petitioner and the R5 that the custody of the children shall remain solely with the husband, the children cannot be said to be in any illegal custody of the R5-father.

11. As per point No.2, finance settlement had also taken place. She submits that she has already received Rs.5 lakhs from her husband.

12. The representation was made without disclosing the aforesaid settlement; Memorandum of Understanding and the order dated 18.09.2025 passed in Crl.P.No.9564 of 2025 by the High Court for the State of Telangana, in which the Memorandum of Understanding was made as part of the order.

13. The Habeas Corpus petition is not maintainable. The petitioner has misused the process of this Court by suppression of the material facts. The entire machinery was set in motion on her representation which is evident from the order dated 23.07.2026 passed in the present case. The petitioner's mother-in-law, husband and both the minor children are present in the Court pursuant to the order passed in view of her representation.

14. We dismiss the Writ Petition and impose a costs of Rs.50,000/- on the petitioner namely . The costs shall be deposited by the petitioner with the Registrar (Judicial) of this Court within three (03) weeks

from today. Upon such deposit, the amount shall be invested in the Fixed Deposit Receipts in any Nationalised Bank in the name of the children, individually, for an equal amount of Rs.25,000/- each, payable to them on their attaining the age of majority, respectively.

15. At this stage, the petitioner tenders apology for her aforesaid act. We are not impressed. It is not a case, where apology be accepted. We decline to accept the apology.

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

RAVI NATH TILHARI, J

PURUSHOTTAM KUMAR CHINTALAPUDI, J

Date: 28.07.2026

Note: LR copy to be marked

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THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR
CHINTALAPUDI

WRIT PETITION NO: 18034/2026

(per Hon'ble Sri Justice Ravi Nath Tilhari)

Date: 28.07.2026

ARR