

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2925 OF 2015

Mr. Ravi Mannu Kahar

..Petitioner.

Versus

The State of Maharashtra & Ors.

..Respondents.

Mr. Vaibhav Gaikwad i/by Mr. Ashwini D. Andurkar, advocates for petitioner.

Mr. O.S.Kutty, advocate for respondent no.5.

Mr. J.P.Yagnik, APP for the State.

Coram : RANJIT MORE &
R.G.KETKAR, JJ.

Date : 29th September, 2015.

P. C. :

Heard.

2 By this petition filed under Article 226 of the Constitution of India, petitioner seeks writ of Habeas Corpus thereby directing respondent nos.2 and 3 to take search of petitioner's wife by name Purnima and to produce her before this Court. Petitioner has alleged that said Purnima was in love affair with him from 2009 to 2012. They got married on 8.11.2013. It is alleged that on 16.7.2014 at 11.00 a.m. when the petitioner was at Dubai and his wife and sister-in-law were buying railway tickets at

Airoli station, the respondent nos.4 to 8 along with two unknown persons came there and forcibly took away petitioner's wife along with them. Petitioner's sister-in-law initially filed NC complaint at Rabale Police Station. Thereafter petitioner also filed complaint against respondent nos.4 to 9 for the offence punishable under Sections 363, 384 read with Section 34 of the Indian Penal Code, 1860. Since no action was taken by the police, present writ petition is filed for the writ of habeas corpus.

3 By the order dated 5.8.2015, notices were issued to respondent nos.1,2,3 and 5 and made returnable on 17.8.2015. Matter was thereafter placed on board on 27.8.2015 on which date, the learned APP took sometime to take instructions. On that day notices also came to be issued to respondent nos.4 to 9 and were made returnable on 10.9.2015. Thereafter, the matter was placed on board on 22.9.2015. The learned APP on instructions made a statement that girl Purnima is at present residing with her maternal uncle Ramchandra Mishra at Vikroli. We, accordingly, directed Rabali police station to produce girl Purnima in Court on the next date of hearing, i.e. on 29.9.2015 i.e. today.

4 Today girl Purnima is present along with her father. She is represented by counsel. We interacted with the girl Purnima. She states that she has filed F.I.R. at Barasathi police station at Johnpur in Uttar Pradesh against the petitioner for the offence punishable under Sections 365, 466, 467, 468, 469, and 471 of the Indian Penal Code, 1860. She also states that though she married with the petitioner, she does not want to co-habit with the petitioner. She wishes to reside with her parents at Kalyan.

5 In the above circumstances and since the girl Purnima is produced before this Court and in view of the fact that she does not wish to co-habit with petitioner, petition is worked out leaving parties to take appropriate remedy. Petition, accordingly, stands disposed of.

[R.G.KETKAR, J.]

[RANJIT MORE, J.]

CERTIFICATE

Certified to be true and correct copy of the original signed judgment/order.