

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3444 OF 2015**

Shoeb Shakil Ahmed Shah

Petitioner.

Vs

The State of Maharashtra and
Anr.

.. Respondents

Mr.R.V.Gupta, Advocate for Petitioner.

Mr. V.P.Yadnik, A.P.P. for Respondents no.1 to 4.

Mr. Munde, Advocate for Respondent no.5.

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

DATE : 21st SEPTEMBER, 2015.

PC:

1. Learned counsel for the petitioner, at the outset, states that he is restricting this petition to prayers clause (a) and (b). Statement accepted. He seeks liberty to file separate petition in respect of relief claimed in prayer clause (c). Liberty, as prayed for, is granted.

2. Heard learned counsel for the petitioner and learned A.P.P for respondents no. 1 to 4 and learned counsel for respondent no.5.

3. This Petition is seeking direction to the respondents, more particularly respondent no.5, to forthwith produce the petitioner's wife Ms Fehmeen Shoeb Shah before this Court.

4. It is the case of the petitioner that the said Ms.Fehmeen was in relationship with him and they decided to get married. It is further case of the petitioner that he and the said Fehmeen

married on 15.6.2015. It also stated that respondent no.5, father of said Fehmeen, filed a false complaint against him bearing C.R. No.191 of 2015 punishable for offences under sections 363, 366, 376 of the Indian Penal Code and Sections 4 and 8 of POCSO.

5. The said Fehmeen is produced before this Court by Nehru Nagar Police Station from the custody of respondent no.5.

6. We have interviewed the said Fehmeen. On our specific query, she states that she was forcibly taken and got married with the petitioner. She also stated that she does not want to go with the petitioner and wants to stay with respondent no.5.

7. In the above circumstances, writ petition is worked out and as such is disposed off.

8. We expressly make it clear that we have not gone into rival contentions of the parties. All points and contentions in this regard are expressly kept open.

(R.G.KETKAR, J.)

(RANJIT MORE,J.)

CERTIFICATE

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