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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4630 OF 2014

Mr. John Kutti Panenvilla

.. Petitioner

Vs.

1. State of Maharashtra and ors.

.. Respondents

Mr. Vivek Vijay Salunke for petitioner.

Mrs. S. D. Shinde, APP for State.

Mr. S. V. Marwadi with Mr. Kartik Garg for respondent no.4.

CORAM: P. V. HARDAS &
DR. SHALINI PHANSALKAR-JOSHI, JJ.

JANUARY 19, 2015.

P.C.

1. This petition has been filed by the petitioner praying essentially for issuance of a writ of habeas corpus to respondent no.4, who, according to the petitioner, has illegally detained his daughter – Jiya. Pursuant to the notice issued by us, the detenue i.e. daughter of petitioner was produced before us. Statement of Jiya was recorded in our chamber in the presence of the learned counsel for the petitioner as well as the learned counsel representing the respondent no.4 and the learned APP. The petitioner was also present in our chamber when the statement of his daughter – Jiya was recorded.

2. In the statement, the detinue has clearly stated that she was married to respondent no.4 on 20/11/2014 and since her marriage, is residing with respondent no.4. She has also in no uncertain terms stated before us that she is not detained by respondent no.4 and is not made to reside against her will. She has stated that she does not wish to reside with the petitioner.

3. In the light of the fact that the detinue today has completed 18 years of age and is not being detained or made to reside against her will by respondent no.4, we see no merit in the present petition.

4. Mr. Salunkhe, learned counsel for the petitioner states that the petitioner would adopt the remedies available to him in law in respect of prayer clauses (b) to (d) of the petition.

5. We accordingly dismiss this petition. In respect of prayer clauses (b) to (d), we grant liberty to the petitioner to avail such remedies as are available to the petitioner in law. In the circumstances, there shall be no order as to costs.

(DR. SHALINI PHANSALKAR-JOSHI,J.)

(P. V. HARDAS,J.)