

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 297 OF 2015

Anantu Valia Rao @ Atif Sayed ..Petitioner
Versus
The State of Maharashtra and ors. ..Respondents

Mr. Makarand Kale, advocate for the petitioner.
Mrs. U. V. Kejriwal, APP for the State.

**CORAM : RANJIT MORE &
V. L. ACHLIYA, JJ.**

DATE : 9th FEBRUARY, 2016.

P. C. :

Heard learned counsel for the petitioner and learned APP for the State.

2. The petition is filed for writ of Habeas Corpus seeking direction to respondent No.2 to produce respondent Nos. 3 & 4 before this Court. The petitioner claims that respondent No.4 is his wife. Despite that, respondent No.3 father of respondent No.4 has taken her away forcibly.

3. Learned APP, having taken instructions from the officer concerned, makes a statement that when the police along with petitioner himself went to the house of respondent No. 3. at Gulbarga where the said respondent No.3 resides, respondent No.4 was found

there. Accordingly, a statement of respondent No.4 came to be recorded. Respondent No.4, in her statement, has stated that the petitioner forcibly married her without her consent. She also stated that thereafter she came back to respondent No.3/her father's house and remarried Shabbir Ahmed Qudri on 5th February, 2015, and out of this wedlock she has given birth to one daughter, who is now 4 months old. Learned APP, in support of his statement, placed on record report dated 9th February, 2016 of Senior Police Inspector, R.C.F.Police, Thane, Mumbai. The statement of respondent No.4 recorded on 9th February, 2016 is also placed for perusal of this Court. Perusal of the aforesaid report as well as statement of respondent No.4 do support the statement of Learned APP.

4. It seems that the petitioner knows that respondent No.4 has remarried and is staying with her husband -Shabbir Ahmed Qudri. In these circumstances, there is no question of issuing the writ of Habeas Corpus. The petitioner, however, is at liberty to adopt appropriate proceedings in this regard. The writ petition, accordingly, stands dismissed.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]