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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3359 OF 2015

Rashmi Manohar Gawde @ Rashmi

Sagar Donde

.... Petitioner

V/s.

The State of Maharashtra

.... Respondent

Mrs. Rashmi Manohar Gawde, petitioner in person.

Mr. S. D. Shinde, APP for the Respondent State.

**CORAM : RANJIT MORE &
DR. SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 16TH NOVEMBER, 2016.

P.C. :

1. Heard petitioner in person and learned APP.
2. By this petition filed under Article 226 of the Constitution of India, the petitioner is seeking a writ of habeas corpus for production of her husband Mr. Sagar Donde.
3. It is pertinent to note that the petitioner earlier had filed Writ Petition No.3387 of 2010 for similar relief of habeas corpus for production of her husband. In this petition, petitioner was produced before this Court on 04.03.2011. However, he expressed his unwillingness to join the

company of petitioner.

4. The petitioner submits that she has filed proceeding under Domestic Violence Act as well as Criminal Case under Section 498A of the Indian Penal Code, against her husband. Those proceedings are pending. In those proceedings, warrants were issued against the husband of petitioner by the learned Metropolitan Magistrate. It is the grievance of the petitioner, that those warrants are not being executed by the concerned police.

5. In any case, in above circumstances, Writ petition for habeas corpus will not lie in matrimonial matters. The petitioner is always at liberty to file appropriate proceeding or take appropriate steps for execution of warrants against her husband.

6. In view of above, Writ Petition is disposed of.

[DR. SHALINI PHANSALKAR JOSHI, J.]

[RANJIT MORE, J.]