

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION***

**CRIMINAL WRIT PETITION NO. 496 OF 2017**

Rahul Suryakant Shaha ... Petitioner  
Vs  
1 Piyush Rajendra Shaha & Ors. ... Respondents

**WITH  
CRIMINAL WRIT PETITION NO. 1079 OF 2017**

1 Siddhi Vinayak Jadhav alias Dolly  
Shaha & Anr. ... Petitioners  
Vs  
1 The State of Maharashtra & Ors. ... Respondents

Mr. Umesh R. Mankapure for the Petitioner in WP 496 of 2017  
and for the Respondent No.1 in WP 1079 of 2017.

Mr. S. Joshi for the Petitioner in WP No. 1079 of 2017 and  
Respondent No.1 in WP 496 of 2017.

Mrs. M.M. Deshmukh, APP, for the Respondent-State in both Writ  
Petitions.

**CORAM : S.C. DHARMADHIKARI &  
SMT. BHARATI H. DANGRE, JJ.**

**THURSDAY, 16TH NOVEMBER, 2017**

**P.C. :**

1           After having heard both sides, we find that the first  
petition has been filed by Rahul Suryakant Shaha.

2           The earlier orders would make the issue clear. The earlier orders, and particularly the order dated 9<sup>th</sup> November, 2017, reads as under :

**“P.C. :**

1           *The petitioner has filed this Criminal Writ Petition seeking a direction to the respondent nos. 9 to 11 to produce his son Yash in this Court.*

2           *We had passed a detailed order on the earlier occasion noting as to how the major son of the petitioner had left the premises though he is a student, and particularly of an engineering college.*

3           *The argument was that the family of respondent nos. 1 to 3 has kidnapped the said Yash and is not allowing him to meet the parents.*

4           *The FIR No.5/2017 was registered with Sangli Police Station against respondent nos. 1 to 3 alleging offence punishable under Section 363 read with Section 34 of IPC.*

5           *The further allegation was that Yash is below 21 years of age and not capable of taking decisions on his own. From the record, it appeared to us that the families were known to each other. Yash, the son of the petitioner had fallen in love with respondent no.3*

*Chaitali and that is how he left the house. The match was not to the liking of Yash's father. The entire dispute between the families resulted in such a FIR being registered.*

6        *On the earlier occasion, we had granted time to the parties to meet each other so that the disputes can be resolved. We had impressed upon the petitioner and equally respondent nos. 1 and 2 that it is the elder members in the family who are expected to behave maturely and resolve the disputes in a peaceful manner. Merely because the match is not entirely to their liking, they must realize that after attaining majority, the children are presumed to act reasonably, fairly and equally in a responsible manner. Their decisions would have to be accepted.*

7        *This matter was placed today and we are happy to note that the said son of the petitioner, namely, Yash, has appeared before the Court. We repeatedly questioned him after he identified himself. Yash's father, namely the petitioner, and his mother could not remain present as the mother is shaken by the incident of her son having left the house in November, 2016. It is because of her condition and particularly some ailment that the petitioner could not remain present and that is what learned Advocate Mr. Sangvikar was informed.*

8        *After speaking to Yash and ascertaining*

*from him as also the said Chaitali, we are of the firm opinion that both of them have decided to reside as husband and wife. They have married each other. Yash is residing with the family of his wife and was fearing that his father and mother, who have not approved of the match, may take some drastic step. That is how he was not anxious to meet them.*

9       *We impressed upon him that no child can apprehend assault and attack by the father even if all his actions are not approved by him. Eventually, he must also take note of the condition of his mother who is eager to meet him. After we spoke to him, we placed the matter post recess.*

10       *We had also requested Mr. Sangvikar to speak to the petitioner and if Yash wants to meet the parents, is Yash welcome in the house of the petitioner and further, would he be welcome if his wife is accompanying him to the house of the petitioner.*

11       *On instructions, Mr. Sangvikar submitted that the petitioner has no objection and equally, the wife of the petitioner would have no objection in case Yash visits and stays with them. They would also not object to the said Chaitali residing with Yash and at the residence of Yash. They would not cause any harm, much less take any drastic step against the children.*

12        *It is in these circumstances, and to give a further opportunity to the families to bury their differences and disputes and reconcile to the relationship, we presently do not dispose of this Petition by quashing the criminal proceedings. We post the matter to 16<sup>th</sup> November, 2017 under the caption “for passing orders”.*

13        *Equally, as far as Criminal Writ Petition No.1079 of 2017, that seeks quashing of an FIR. It also seeks certain further prayers and particularly an action against the Police officials who allegedly detained two ladies, namely, Siddhi Vinayak Jadhav alias Dolly Shaha and Geeta Piyush Shaha. It is alleged that they were detained and locked in prison contrary to the judgments of the Hon'ble Supreme Court and the guidelines issued by the Director General of Police.*

14        *This matter also be placed on 16<sup>th</sup> November, 2017, but it shall be listed together with Criminal Writ Petition No.496 of 2017. It shall not be listed for passing order, but under the caption “for admission”.*

3           Pursuant to that order, a final opportunity was given to the parties and particularly the petitioner, his wife and the respondents, who have been alleged to have taken away or

abducted a major son of the petitioner. Though it is stated that the son of the petitioner has married the respondent No.3, but that marriage was not acceptable to the family, namely, the petitioner and his wife. The opportunity was given to bury the differences and to reconcile to the fact that major children have made their choices in life. These choices may not be strictly to the liking of the parents and acceptable to them, but eventually when the children are no longer minors, the parents would find it difficult to impose their views on them.

4           Mr. Mankapure states that despite strenuous efforts, including by him, the petitioner has not been able to accept the match. The son, therefore, is not welcome in his own home. The son has decided to stay with Chaitali's parents and since he is safe and secure and no harm has been done to him, the petitioner-father does not wish to pursue this petition nor the FIR No.1 of 2017 registered with Sangli City Police Station.

5           We quash the FIR and in the light of the instructions received by Mr. Mankapure, dispose of the Writ Petition. When we have recorded the statement of Mr. Mankapure, made on

instructions, the FIR stands quashed as a whole.

6           Mr. Joshi, on instructions, states that in the light of the order passed in Writ Petition No. 496 of 2017, prayer clause (a) of writ petition No. 1079 of 2017 does not survive.

7           However, as regards prayer clause (b) and (c), Mr. Joshi says that he has instructions to press the petition.

8           We think that the petition for these two prayers cannot be taken up by a Bench which is not assigned criminal writ petitions. Let it be, therefore, placed before an appropriate Bench.

*SMT. BHARATI H. DANGRE, J.*

*S.C. DHARMADHIKARI, J.*