

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3136 OF 2017

Rashtrahith parth through Founder
President Mohamad Tahir Azmi

Petitioner

versus

State of Maharashtra

Respondent

Mr.R.B.Vijaymane for petitioner.

Mr.K.V.Saste, APP, for State.

CORAM : RANJIT MORE AND
PRAKASH D. NAIK, JJ.

DATE : 12th October 2017

PC :

1. The petitioner has filed present petition for seeking following reliefs :

“a) This Hon'ble Court may be pleased to direct the Respondent no.1 to make enquiry about the security and safety of Mrs.Minal;

b) This Hon'ble Court may be pleased to direct the respondent no.1 to make enquiry whether Mrs.Minal was confined against her wish;

c) This Hon'ble Court may be pleased to direct the enquiry officer to take necessary steps regarding safety, security and liberty of Mrs.Minal. In the event the enquiry officer came to conclusion that there is life threat and security of Mrs.Minal;

d) Such other and further orders as this Hon'ble Court may deem fit and proper be passed.”

2. The petition is filed through Mr.Mohamad Tahir Azmi, the purported founder president of petitioner. According to the petitioner, the lady Smt.Minal had visited petitioner's office and gave history of harassment by her husband. She was given shelter. She refused to join her husband. It is further stated that on 23rd July 2017 the relatives of Smt.Minal visited V.B.Nagar Police Station. Smt.Minal made grievance of ill-treatment with police on visiting police station. She was taken by her relatives along with them. Police did not update about the safety and well being of Smt.Minal to petitioner. Hence, this petition.

3. Learned APP tendered report dated 12th October 2017 submitted by V.B.Nagar Police Station, Kurla. In the report it is stated that on enquiry, Smt.Minal had stated that on account of domestic quarrels with her husband, she left her house at Nasik and came to Mumbai. The family of Smt.Minal had lodged missing complaint at concerned police station. Information was given to the said police station. On 23rd July 2017, the mother-in-law and brother-in-law of Smt.Minal visited V.B.Nagar Police Station. On enquiry, Smt.Minal volunteered to join them. She left with them accompanied by police constable to Pimpalgao Police Station. Mr.Mohammed Azmi called for information regarding Smt.Minal. On telephonic inquiry with Smt.Minal, she informed that no information be provided to anyone regarding her. She also forwarded letter dated 28th August 2017 stating that she is happily residing at her matrimonial house. The report and letter dated 26th August 2017 is taken on record and marked as "X" for identification.

4. We have perused the papers submitted by learned APP. It is noticed that there was a quarrel between Smt.Minal and her husband and she had left her matrimonial house. Thereafter custody of Mrs.Minal has been handed over to her husband. The petitioner has no locus to seek prayers as sought in this petition. On perusal of the report submitted by police, it is apparent that Smt.Minal is living with her husband. Smt.Minal has also written a letter to the police stating that she is voluntarily residing with her husband.

5. In view of the above, we find that the petition is devoid of merits. Petitioner has no locus to seek reliefs as prayed for in this petition. Hence, the petition deserves to be dismissed. It is accordingly dismissed.

(PRAKASH D. NAIK, J.)

(RANJIT MORE, J.)

MST