

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3788 OF 2017

Mrs.Najamus Saher Bilal Shaikh	...	...Petitioner
v/s.		
Fatayab Alam Shaikh & ors.		...Respondents
...		
Mr.Dattatray Prakash Adarkar for the Petitioner.		
Mr.Vishal Deshmukh for the Respondents Nos.1, 2 & 3.		
Mr.H.J.Dedhia, APP for the State.		
...		

CORAM : A.A. SAYED &
SARANG V.KOTWAL,JJ.

DATED : 21 SEPTEMBER 2017

P.C.:

This Petition is filed for issuance of writ of habeas corpus against the Respondents Nos.1 to 3 to produce the minor daughter of the Petitioner viz.Hayah. The Petitioner is the mother of the minor child-Hayah, who is two and half years old. The Respondents Nos.1 to 3 are father-in-law, mother-in-law and sister-in-law respectively of the Petitioner. The husband of the Petitioner has left for Dubai as he is working there. The Petitioner had earlier lodged FIR and CR.No.341/17 was registered with Oshiwara Police Station for the offences punishable under sections 498-A, 406, 504 and 506 read with section 34 of IPC.

2. The statement of the learned Counsel for the Respondents Nos.1 to 2 is recorded that he will file his *vakalatnama* by tomorrow.

3. Learned Counsel for the Respondents Nos.1 to 3, on instructions from the Respondent No.1 who is present in Court, fairly states that without prejudice to the rights and contentions, they are willing to hand over the custody of the minor child-Hayah to the Petitioner.

4. Learned Counsel for the Petitioner, on instructions from the Petitioner who is present in Court, states that the Petitioner along with her brother Mohd.Arif Shaikh shall go to the residence of the Respondents Nos. 1 to 3 at Jogeshwari (West) to take custody of the minor child-Hayah. Learned Counsel for the Respondents Nos. 1 to 3, on instructions from the Respondent No.1, states that the Petitioner and her brother can visit their house tomorrow i.e. 22 September 2017 at 11 a.m. to take custody of the minor child-Hayah.

5. Learned Counsel for the Petitioner states that the Petitioner would not object the Respondents Nos. 1 to 3 meeting the minor child-Hayah. We expect the learned Counsel for the parties to work out the modalities so far Respondents Nos.1 to 3 meeting the minor child-Hayah, is concerned.

6. While accepting the statements of the learned Counsel for the parties, we dispose of the Petition.

(SARANG V.KOTWAL, J.)

(A.A.SAYED, J.)