

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

WRIT PETITION NO.1864 OF 2018

Mr.Deepak Vijay Sambre	...Petitioner
V/s.	
Mrs.Barkha Deepak Sambre & Ors.	...Respondents

Mr.Jacob Manoharan for the Petitioner.

None for the Respondent.

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

DATE : 13th JUNE 2018

P.C.:

1. The petitioner says that he has married the respondent No.1 and claims that this marriage was performed in a temple on 25th November 2017. He relies upon a Joint Declaration copy of which is at Exh-B to the petition. He says that in this joint declaration the first respondent says that she got married with the petitioner on 25th November 2017 at Khandeshwari Mandir, Bandstand, Bandra(West), Mumbai. The petition seeks issuance of writ of Habeas Corpus alleging that after this marriage the first respondent informed the petitioner that she would try and convince her parents and make them agree to this relationship. It is alleged

that it was decided between the petitioner and first respondent that the relatives and parents would be informed about this marriage after six months of the marriage. The petitioner also relies upon some photographs. The address of the first respondent in the Deed of Declaration of Marriage Exh-B, page-18 is near Room No.21/1, Topiwala Chawl, Pipe Line, Jawahar Nagar, Khar (E), Mumbai-51. The petitioner claims to be a resident of the Bandra (East), Mumbai. The petitioner says that thereafter he has not heard about the first respondent but while walking and passing through the lanes where the first respondent's house is situated he heard cries of the first respondent and that she was allegedly screaming. From that the petitioner got a impression that her parents are harassing and torturing her. Pertinently the address given in the deed of declaration of marriage copy of at Exh-B and that of the petitioner is Plot No.147, Rukmabai Kaluji Chawl, Sakhale Marg, Opposite Hanuman Mandir, Kherwadi, Bandra (East), Mumbai-51 and that of the first respondent is as above. However, in paragraph No. 7 of the petition the petitioner says that he was passing from the lanes namely Plot No.150, Kherwadi, Bandra (East), Mumbai-51. We cannot presume from what the petitioner says in the petition that the first respondent agrees that she is his legally wedded wife or that they are in relationship and they are husband and wife. It is

apparent that the petitioner made a complaint to Nirmal Nagar Police Station but when that Police Station made some inquiries it was informed in writing by one person Gourknath Sahguram Bari aged 72 years and residing at Plot No.150, Near Post Office, Bandra (East), Kherwadi, Mumbai that first respondent is his grand daughter and though the petitioner claims she has married with him the grand daughter is now married and after that marriage having been solemnized she is no longer residing at the stated address.

2. In these circumstances, the remedy of this petitioner is not to file such a petition and seek a direction to the police machinery to trace out a lady who he claims to be his legally wedded wife. If that lady has now not stood by her declaration nor is she agreeable to the factual position as stated in the petition, then the petitioner must, relying on this document, file substantive proceedings against the first respondent. We do not think that by this petition and when the grand father stated as above we should direct the police machinery to hold inquiry and by summoning senior citizens to travel upto the Police Station.

3. In the circumstances, this petition is entirely misconceived and it is dismissed. A copy of the statement recorded

by the police machinery of the grand father is taken on record and marked "X" for identification.

(SMT.BHARATI H. DANGRE, J.)

(S.C. DHARMADHIKARI,J.)