

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

CRIMINAL WRIT PETITION NO.2231 OF 2018

Shri.Mayank Ashok Charla ...Petitioner
Versus
The State of Maharashtra & Anr. ...Respondents

Mr.M.S. Adenwala for the Petitioner.

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

**CORAM : RANJIT MORE &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 01st OCTOBER 2018.

P.C.

1. The petitioner has filed present Writ petition seek writ of *habeas corpus* to produce the petitioners minor daughter from alleged illegal custody of the respondent No.2.

2. The respondent No.2 is the petitioner's father-in-law. Petitioner's wife and the mother of minor child has already expired. During her lifetime, an FIR was registered against the petitioner for an offences punishable under Sections 498A, 504, 506 read with Section 34 of the Indian Penal Code. Subsequently when she committed suicide, Sections 304B and 306 were also added and his parents were also implicated in

the said C.R. The petitioner was also arrest and at present he is released on bail. After the demise of the petitioners wife the minor child is with her grant parents. The petitioner knows whereabouts the child and therefore his remedy is to approach appropriate Court seeking custody of the child. In the wake of above the above situation, the learned counsel for the petitioner seeks leave to withdraw the petition with liberty to approach family Court for appropriate relief. Leave with liberty as prayed is granted. The petition is disposed of as withdrawn.

3. It is specific and made clear that this order should not be construed as expression of any opinion on the merits and in the event the appropriate application before appropriate forum is filed, the same shall be dealt with in accordance with law.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)