

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

WRIT PETITION NO.5132 OF 2017

Uday Bhanu Dua ...Petitioner
V/s.
The State of Maharashtra & Ors. ...Respondents

Mr.Prajot H. Jaggi for the Petitioner.

Mrs.M.H. Mhatre, APP for the Respondent-State.

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

DATE : 13th JUNE 2018

P.C.:

1. The petitioners on his own wish has filed a Custody Petition No.15 of 2016 before the Family Court at Noida, New Okhla Industrial Development Authority ('Noida' for short) in the State of Uttar Pradesh. At the same time the petitioner states that when that Court issued notices in the Custody Petition the packet was returned back unserved with the report that 'the mother of the children has shifted from her accommodation at Noida, Uttar Pradesh'. The petitioner must pursue by following the law when the notices are returned unserved in this manner. Neither the Court is powerless nor the petitioner is remediless. Very frequently notices can be

served by substituted mode and the petitioner is well aware of the same. Merely because the petitioner avers in one paragraph of the petition that he has been informed by somebody that the children/grand children of the petitioner have been taken away by the mother and brought somewhere in the State of Maharashtra, we cannot on such vague statements proceed to entertain a habeas corpus petition, all the more with a prayer and substantively made in the proceedings before the Nodia Court to obtain custody of the grand children. In the circumstances this habeas corpus petition is entirely misconceived and it is dismissed.

(SMT.BHARATI H. DANGRE, J.)

(S.C. DHARMADHIKARI,J.)