

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.5473 OF 2017

Shri Gumansingh Ganpat Singh Pardeshi	... Petitioner
v/s	
Harsha Gumansingh Pardeshi and others	... Respondents

Mr K.K. Sonawane for Petitioner.
 Mr Vijay Killedar for Respondent No.1.
 Mr M.N. Sondhyanshiv for Respondent No.2.
 Mrs M.H. Mhatre, APP for Respondent No.3.

**CORAM : B.R. GAVAI &
 B.P. COLABAWALLA, JJ.**

DATE : JANUARY 9, 2018

P.C.:

1. This Habeas Corpus Petition has been filed by the Petitioner. It is an allegation that the minor daughter of the Petitioner viz. Mohi is missing and she has been been concealed by the Respondent No.1 with the help of Respondent No.2.

2. After issuing notice by this Court, the Respondent No.1 alongwith the minor daughter Mohi is present in Court. The daughter is aged about 5 years. It appears that there is a matrimonial dispute

between the Petitioner and Respondent No.1. The proceedings of High Court cannot be permitted to be used for settling the matrimonial dispute between the parties and for securing custody of the child.

3. If the Petitioner is of the view that in law he is entitled to the custody of the child, then separate proceedings have to be filed for that purpose.

4. Petition is therefore rejected. The Petitioner is at liberty to adopt appropriate remedy available in law.

(B.P. COLABAWALLA, J.)

(B.R. GAVAI, J.)