

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
*CRIMINAL APPELLATE JURISDICTION*  
**WRIT PETITION NO.1771 OF 2018**

Priti Gaurishankar Goel ] ..Petitioner.

v.

Gaurishankar Ramnivas Goel & Ors. ] ..Respondents.

Mr.A.A.Siddiqui and Ms.Adeeba Khan h/f Mateen Shaikh, for the Petitioner.

Mr.Brahma Deo Tripathi, for Respondent Nos.1 and 3.

Mrs.M.M.Deshmukh, APP for the State.

Police Inspector-S.D.Mane attached to Wakad Police Station, Pimpri-Chinchwad present.

**CORAM : INDRAJIT MAHANTY &  
A.M. BADAR, JJ.**

**DATE : 30<sup>th</sup> APRIL, 2019.**

**P.C.**

1] Mr.Tripathi, enters appearance on behalf of Respondent No.1 and files Vakalatnama in the Court today. He is directed to file Vakalatnama in the Registry.

2] Learned APP submits that pursuant to directions of this Court, the police authorities have acted and recovered the missing child viz. Unnati Gaurishakar Goel from Hrishikesh, in the State of Uttarakhand.

3] Learned counsel for Respondent No.1 submits that his client has been arrested and presently he is in police custody. The learned counsel is at liberty to take such steps as he may be advised in the matter.

4] Learned APP submits that after recovery of the child, she has now been kept at Renuka Shishugruha, Pune.

5] Learned counsel appearing for the Petitioner (mother) brought to our notice an order dated 15<sup>th</sup> December 2017 passed by the learned Judicial Magistrate First Class, Cantonment Court, Pune, in a proceeding under Domestic Violence Act, wherein, by an ad-interim order, the husband (Respondent No.1 herein) was directed to hand over ad-interim custody of the minor daughter to the Petitioner. The said order has not been complied with and instead Respondent No.1 (husband of the Petitioner) took away the child to Pune and thereafter to Kolkata and later on he was found with his daughter at Hrishikesh.

6] In this view of the matter, this Court directs that custody of the child Unnati Gaurishankar Goel shall be forthwith handed over to the Petitioner Priti Gaurishankar Goel. The Petitioner shall remain responsible for the welfare and upkeep of the child Unnati, until a Court of competent jurisdiction decides the issue of the custody of the child (i.e. interim custody).

7] Learned counsel appearing for Respondent No.1 raises an issue regarding jurisdiction of the Judicial Magistrate First Class to entertain such prayer on behalf of the Petitioner as well as passing ad-interim orders relating to custody. In this context, we express no opinion insofar as aforesaid submission is concerned, however, we leave to the parties concerned to pray before the competent Court to decide about the custody of the child concerned, interim and as well as permanent.

8] We also record herein appreciation of the efforts undertaken by the Commissioner of Pune as well as Investigating Officer in the present case and we direct the Commissioner of Police, to record the commendation in the Confidential Reports of the Officers who have acted with due devotion of duty.

9] The Registry is directed to report the commendation recorded hereinabove to the Commissioner of Police, for necessary action.

10] Since the child has now been handed over to the mother (Petitioner), nothing further survives for consideration in the present writ of Habeas Corpus. Hence, Writ Petition No.1771 of 2018 stands disposed off. Nothing stated in this order shall be treated to have decided any issue in between the parties.

All concerned to act on the authenticated copy of this order.

**[A.M. BADAR, J]**

**[INDRAJIT MAHANTY, J]**