

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

WRIT PETITION NO. 3212 OF 2019

Deepati w/o Avinash Krishnamurthy

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondent

Mr. Uday Warunjikar for the Petitioner.
MR. V.B. Konde-Deshmukh, APP for Respondent No.1/State.
Mr. Vikas Shivarkar for the Respondent No.2

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

DATE : 28TH JUNE, 2019

P.C.

1. Heard learned Counsel for respect parties.
2. The Petitioner as well as Respondent No.2 are present along with their daughter namely Ananya. In course of the proceeding, with the assistance of the learned Counsel representing the respective parties, we asked the parties to meet socially over lunch and try to resolve the dispute in the meantime. Today when the matter is called, it appears that certain discussion have been attempted between the parties and the Respondent husband accepts the facts that he has taken the child with him with the permission of

the Petitioner Wife on the undertaking that he will return the child on 16.06.2019.

3. The learned Counsel for Respondent submits that various reasons have been cited in the affidavit as to why inspite of his undertaking to return the child on 16.06.2019, keeping the interest of child in the mind and in view of complaint made by the child regarding the Day Care Centre where the child is required to keep during the working day of his wife, he was compelled to keep child with him and in admitting in school in Pune.

4. In the meantime, as averred in paragraph 10 of the affidavit in reply, it appears that the Respondent husband filed petition for custody of daughter before the Family Court at Pune. However, on the intervention of the learned Counsel for respective parties, the Respondent has agreed to hand over the custody of daughter to the Petitioner Wife before the Court today, with the further request that as agreed between the parties for occasional access of the child to Respondent on every weekend and also overnight access may be continued, on the undertaking that both the parties shall abide the terms and conditions until and unless the petition of guardianship is decided and/or if any rapprochement between the parties. In the meanwhile, we record the fact that Respondent has handed over the

custody of the child to the petitioner in Court today and also undertakes to handover the belongings of the child to the Petitioner by coming next week.

5. In view of the aforesaid record, the above writ for habeas corpus stands disposed of.

6. Nothing stated in the order shall influence in any proceeding between parties.

7. We appreciate the efforts made by both the learned Counsel for the parties in trying to arrive at just settlement between them.

8. We record our hope that the parties concerned can overcome their differences between them, in the interest of child.

(A.M.BADAR, J)

(INDRAJIT MAHANTY, J)