

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

CRIMINAL WRIT PETITION NO.5610 OF 2019

Dr. Pankaj Ghansham Rannaware ... Petitioner
Vs.
State of Maharashtra & Anr. ... Respondents

Mr. Harshal N. Mirashi, advocate for the petitioner.
Mr. A.D. Khamkedkar, APP for the respondent No.1-State.

**CORAM : S.S. SHINDE &
N.B. SURYAWANSHI, JJ.**

DATE : 28TH NOVEMBER, 2019.

P.C. :

1. This Writ Petition is filed to issue a writ of Habeas Corpus and to direct the second respondent, who is wife of the petitioner, to produce their minor son Tejas before this court.

2. The learned counsel for the petitioner submits that the custody of said minor son Tejas is with the second respondent and she is not allowing the petitioner to meet the minor child. Therefore, he submits that the direction may be given to the second respondent to produce the child before this court and thereafter the petitioner

may be allowed to have custody of said child or visiting rights may be given to meet said minor child.

3. On the other hand, learned APP invites attention of this court to the pleadings and grounds taken in the Petition and submits that, admittedly the custody of said child is with the second respondent, who is biological mother of the said child. He invites attention of this court to the fact that, the petitioner and the second respondent have arrived at settlement before the Family Court and it was agreed that minor child should stay with the second respondent. Therefore, he submits that said minor child Tejas is not in illegal custody, and therefore, the question of entertaining of present Writ Petition for issuance of writ of Habeas Corpus would not arise. It is also informed that the petitioner has already filed proceeding before the Family Court for custody of child, which is pending.

4. Upon appreciating the rival contentions and the fact that minor child Tejas is with the second respondent, who is biological mother of said child and there was settlement between the petitioner

and the second respondent before the Family Court, wherein it was agreed by the petitioner that minor son Tejas will reside with the second respondent, in our considered view, since Tejas is not in illegal custody, the present Writ Petition deserves no consideration.

5. Hence, Writ Petition being devoid of merits, stands disposed of accordingly.

(N.B. SURYAWANSHI, J.)

(S.S. SHINDE, J.)