

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.129 OF 2021

Lahu Rambhau Thombre.

.. PETITIONER

VERSUS

The State of Maharashtra
& others.

..RESPONDENTS

...
Mr.R.P.Adgaonkar, Advocate for the petitioner.
Mr.S.D.Ghayal, APP for the respondent Nos.1 to 3.
...

CORAM: RAVINDRA V. GHUGE & B. U. DEBADWAR, JJ

Date: 30.1.2021

PER COURT :-

1 On 28.1.2021, we had passed the following order:-

"1. By this petition, the petitioner prays that this Court should issue appropriate directions under the writ of Habeas Corpus. The petitioner has narrated in the petition that his wife has illicit relations with respondent No.4 and he has also registered the first information report against respondent No.4 on 26-11-2020 since he had assaulted the petitioner. It is the strong suspicion of the petitioner that respondent No.4 has abducted his wife Shobha Lahu Thombre and for the said purpose, he has used a four wheeled vehicle viz. Tata Indica car MH-12-QG-9132.

2. For the present, issue notice to respondent Nos.1, 2 and 3, returnable on 30-01-2021. The learned Prosecutor waives service of notice on behalf of these respondents.
3. We direct respondent No.2 to produce the missing woman Shobha Lahu Thombre in this Court.

2 Today, the Assistant Police Inspector, Shri V.J. Netke deployed at Shiradhon Police Station, Tq. Kalamb, district: Osmanabad, has instructed the learned Prosecutor to tender a compilation of 17 pages along with an Index titled as '*Ferist Yadi*' in relation to this Criminal Writ Petition. We have taken the compilation on record and have collectively marked it as 'X' for identification.

3 The learned Prosecutor submits that the Assistant Police Inspector Shri V.J. Netke is present in the Court. He informs that the concerned lady, who is the wife of the petitioner, is herself present before the Court and the Police were not required to bring her to the Court, as she herself volunteered to reach the Court for the hearing in this matter.

4 We find from the report of the API that the lady has already preferred Divorce Proceedings bearing CNR No.MH0S02-002452-2020 titled as Case Type being Marriage Petition before the learned 1-Civil Judge, Senior Division, Osmanabad. The case

has been registered as 6/2021 on 4.1.2021. The case details are placed before us and the said sheet is marked as 'Y' for identification.

5 We have also perused the statement of the lady Viz. Shobha Lahu Thombre, which is the part of the compilation in which she has stated that her husband is addicted to vices and frequently assaults her mercilessly on the ground of suspecting her character. He unnecessarily names some male adults from the town to cast aspersions that she has illicit relations and takes the opportunity to beat her. Since he has been doing so for several years and it has become unbearable, she has filed a Divorce Petition and she does not desire to continue with her marriage.

6 In presence of the learned Prosecutor, the learned Advocate for the petitioner, the petitioner himself and the learned API, we put the following questions to the lady in the open Court:-

Question: Ever since you left your house till you have come to the Court today, was any offence committed against you or were you assaulted or abused by any person ?

Answer: No. I am safe and I have left the house on my own will and desire. There has been no offence

committed on my person till today ever since I left my home.

Question: Is it true that you have preferred a Divorce Proceedings before the Competent Court at Osmanabad.

Answer: Yes.

Question: Where is your residence today ?

Answer: I am residing with my mother.

Question: Do you intend to accompany your husband today and return to your matrimonial home ?

Answer: No. I do not wish to accompany him and I do not desire to live with him. I desire to live separately.

7 The learned Advocate for the petitioner submits on instructions that his eldest daughter has already got married and his second daughter and a son are presently residing with him.

8 In view of the above, this petition is disposed off and the missing lady present in the Court viz. Shobha Lahu Thombre is at liberty.

(B. U. DEBADWAR, J)

(RAVINDRA V. GHUGE, J)