

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4612 OF 2021

Ram Shivdas Shinde & Ors.

..Petitioners

Versus

Omkar Ramesh Sonawane & Ors.

..Respondents

Mr. Abhijeet Rane for Petitioners.

Ms. S. D. Shinde, APP for State/Respondent No.2.

CORAM : NITIN JAMDAR AND
SARANG V. KOTWAL, JJ.

DATE : 30 NOVEMBER 2021

P.C. :

. This Writ Petition is filed by three Petitioners. The Petitioner Nos.1 and 2 are grand parents of the child Adhira, four years old girl and the Petitioner No.3 is the maternal uncle of Adhira. They have filed this petition for *habeas corpus* on an allegation that the child who was seen with her father / Respondent No.1 has gone missing and she should be directed to be produced.

2. On 26 November 2021 we had adjourned the matter till today. The learned APP places on record a report which contains statement of the Respondent No.1 and the Head Mistress of the school where Adhira is taking education. The Head Mistress has

This order is corrected as per speaking to the minutes of order dated 23 December 2021.

stated that the child is taking education in Jr. K. G. and she is happy child and studies well and not being seen crying.

3. The Respondent No.1 Omkar Ramesh Sonawane has stated in his statement that when the divorce proceedings between him and his wife Nikita Omkar Sonawane were pending, Nikita expired and the permanent custody of the child was given to Respondent No.1 Omkar Sonawane. The Respondent No.1 has stated that mother of the child has expired on 29 May 2020 in an accident. After her death, when the child was with the Petitioners, the Respondent No.1 had applied the Family Court for custody of child and it was given on 17 October 2021 to the Respondent No.1. These facts are not disputed by the Petitioners.

4. Considering this position, we are of the opinion that, since the Family court has already passed two orders regarding custody of the child entrusting it to the Respondent No.1 and that various disputed questions of facts would arise in adjudicating this petition, it would be appropriate if the petitioners approaches the Family Court in case they having any grievance regarding custody, access etc. of the child.

5. The Writ Petition is disposed of as above.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)

This order is corrected as per speaking to the minutes of order dated 23 December 2021.