

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

CRIMINAL WRIT PETITION NO. 1024 OF 2022

Nilesh Jitendra Mehta

... Petitioner

V/s.

The State of Maharashtra and Ors.

... Respondents

Ms. Rimpal Trivedi for the Petitioner

Mr. J.P. Yagnik, APP for the Respondent - State

***CORAM : NITIN JAMDAR &
N.R. BORKAR, JJ.***

DATE : 4 AUGUST 2022

P.C. :-

The writ of habeas corpus is sought by the father of the girl child Tiya, who is now 13 years old, from the Respondent No.2 – the mother.

2. The Petitioner has moved the Family Court for divorce and as the learned Counsel for the Petitioner informs, proceedings are amended to incorporate the prayer for the custody of the child. These proceedings for the very same relief are pending before the Family Court. As regard the prayer for custody, the Petitioner has not yet even moved for issuance of notice to the Respondent No.2 in the

Family Court. Therefore, at this stage we find no warrant to presume that the Petitioner will not get any relief from the Family Court or that the extraordinary jurisdiction of this Court is the only recourse.

3. Keeping the contentions of the Petitioner and the Respondent No.2 open to be considered in the proceedings already filed, we dispose of the Petition.

N.R. BORKAR, J.

NITIN JAMDAR, J.

JYOTI
PRAKASH
PAWAR

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