

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.1799 OF 2021

Mudassir Mirza Chougale .. Petitioner
v/s.
The State of Maharashtra & Ors. .. Respondents

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Mr. Akshay Pawar, for the Petitioner.

Mr. J.P. Yagnik, APP, for State.

Mr. Prabhanjan Gujar, for Respondent No.2.

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CORAM: NITIN JAMDAR &
ARUN R. PEDNEKER, JJ.

DATE : 21 JULY 2022.

P.C:-

By this petition, the Petitioner is seeking the following prayer:

“a. That this Hon’ble Court may be pleased to issue a Writ of Habeas Corpus, or such other Writ, Order or Direction in the nature thereof, thereby calling upon the Respondents to produce the wife of the Petitioner, namely, Mrs. Zoya Mudassir Chougale alias Ritika Sanjay Doshi before this Hon’ble Court and handover her custody to the Petitioner.”

2. Considering the nature of reliefs sought, we have, by the

earlier order, directed that the corpus should be produced through concerned Police Officer. The petition was taken up thereafter through Video Conferencing, due to the restricted functioning of the Court. Thereafter, when the petition appeared on board on 19 July 2022, the petition was taken in the chamber when we interacted with the corpus extensively in the presence of the learned APP. The corpus stated that she does not intend to stay with the Petitioner. According to her, she was deceived signing some papers which later on are being styled as marriage and conversion and on her free and willing choice, she is staying with her parents. This response of the corpus was informed to the Petitioner. The corpus also informed us that she is educated and has done a course in Accounting. She could also express herself properly and cogently.

3. Considering the fact that the corpus is not physically detained but is staying separately on her own accord, the learned Counsel for the Petitioner states that the Petitioner would adopt such remedies as may be available in ordinary law.

4. The writ petition is, accordingly, disposed of.

(ARUN R. PEDNEKER, J.)

(NITIN JAMDAR, J.)