

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1845 OF 2022**

Ravindra Naval Mahajan ... Petitioner

Versus

State of Maharashtra and others ... Respondents

.....

Mr. Vijaykumar Garad for the Petitioner.

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

.....

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

DATED : 12 JULY 2022

P.C. :-

. This is a Petition filed for habeas corpus in respect of the Petitioner's son Pruthviraj who is stated to be in illegal custody of Respondent Nos.3 and 4.

2. Perusal of the Petition itself indicates that the custody of the child, after the divorce between the Petitioner and Respondent No.5, was with the mother-Respondent No.5 and now it is with the maternal grand parents i.e. Respondent Nos.3 and 4.

3. The learned Counsel for the Petitioner admits that the custody of the child was given to the mother. Merely because now the

child is with the maternal grand parents, this custody cannot be treated as illegal detention. This is not the case where the writ of habeas corpus can be issued. The Petitioner is at liberty to take out appropriate proceedings to enforce his rights if any.

4. The Writ Petition is accordingly disposed of.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)

KANCHAN
PRASHANT
DHURI

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