

JPP

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

CRIMINAL WRIT PETITION NO. 5960 OF 2021

Deepak Somnath Waghmare

... Petitioner

V/s.

The State of Maharashtra and Ors.

... Respondents

Ms. Chandni Chawla i/b. Kranti L.C. for the Petitioner

Mr. K.V. Saste, APP for the Respondent - State

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

DATE : 15 JULY 2022

P.C. :-

By this Petition filed by the husband of the corpus, Pooja Chotelal Mishra, a writ of habeas corpus is sought to produce the corpus and set her at liberty at her free will.

2. By order dated 24 June 2022, the following order was passed :-

“ *Heard the learned Counsel for the parties.*

2. *The learned Counsel for the Petitioner states that the Petitioner got married to the corpus-wife on 16 July 2019 and the marriage was against the wishes of girl's*

parents because of which the parents are not allowing the Petitioner's access to his wife.

3. The learned Counsel for the father of the corpus-girl states that the corpus-girl is staying with him in Uttar Pradesh and she is proceeding to secure divorce from the Petitioner and does not wish to reside with the Petitioner.

4. The learned APP states that similar are his instructions.

5. It was put to the learned Counsel for Respondent Nos.2 and 3 as to when the corpus-girl would be brought to the Court, so the Court can interact with her and understand her wishes. The learned Counsel for Respondent Nos.2 and 3 seeks two weeks time for that purpose.

6. Corpus-Ms. Puja Mishra be produced by Respondent Nos.2 and 3 on the next date.

7. Stand over to 8 July 2022 at 2.30 p.m.”

On 8 July 2022, the following order was passed :-

“1. Pursuant to our earlier order the corpus has come to the Court and we have interacted with her in the chamber alongwith the learned APP. She has informed that she has filed divorce proceedings in the Court at Varanasi and has categorically stated that she does not wish to stay with the Petitioner.

2. Place the Petition on board on 15 July 2022.”

3. As stated in the order dated 8 July 2022, we had interacted in detail with the corpus, who has stated that she is educated and holds a Master's Degree. She had stated that there was a marriage between the Petitioner and her. However, she has filed a divorce petition and had left the city so as to separate herself from the Petitioner. She had categorically stated that she does not wish to stay with the Petitioner. Resultantly, the corpus is not illegally detained by anyone and she is already at liberty as per her own will.

4. As regards the matrimonial dispute is concerned, that will be decided on its own merits. This is not a case where the writ of habeas corpus can be issued. Therefore, no order can be passed in this Writ Petition.

5. The Writ Petition is accordingly disposed of.

N.R. BORKAR, J.

NITIN JAMDAR, J.

JYOTI
PRAKASH
PAWAR

Digitally signed
by JYOTI
PRAKASH
PAWAR
Date: 2022.07.18
12:00:26 +0530