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

CRIMINAL WRIT PETITION NO. 1493 OF 2023

Kunal Pradeep Mhatre

... Petitioner

vs.

The State of Maharashtra and Ors

... Respondents

Mr Prathamesh Naik i/b Mr Vishal D. Khetre & Mr Ajay Ingle,
for the Petitioner.

Mr V.B. Konde Deshmukh, A.P.P for the State.

Mr Ashley Cusher, for Respondent No.4.

**CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.**

DATED : 22nd JUNE, 2023

P.C. :-

1. The following order was passed by this court on 4th May 2023.

“1. By this Petition, the Petitioner seeks a writ of habeas corpus to produce his minor child Heet Kunal Mahatre, aged 7 years.

2. Vide order dated 21st April 2023, we had orally directed the Police to produce the Petitioner’s son Heet Kunal Mahatre, who was kept by the Respondent No.4- Achal Kunal Mahatre, wife of the Petitioner, in the Ashram i.e. Srila Prabhupada Ashram Udhampur, Jammu.

3. On 2nd May 2023, Heet Kunal Mahatre was produced before us in the Chambers at 2:30 p.m. The Petitioner and the Respondent No.4 were also personally present in the Chambers. We interacted with the parties and the parties have agreed to arrive at an interim arrangement. Till the next date, both parties have agreed that the child will not be sent back to Srila Prabhupada Ashram Udampur, Jammu and that he will reside with the Petitioner. It was also agreed that the Petitioner will admit the child Heet Kunal Mahatre in Don Bosco School, at Mira Road. As regards the access and visitation rights of the Respondent No.4, the parties agree that from 2nd May 2023 till 17th May 2023, Heet will reside with his father and from 18th May 2023 to 2nd June 2023, he will be residing with his mother. It was further agreed that on the weekends, Heet will reside with his mother i.e. Respondent No.4. The Respondent No.4 will furnish her current address to the Petitioner and will keep him informed about the address where she is residing, in event there is any change of residence. It is agreed by both the parties that the arrangement which has been arrived at is without prejudice arrangement till the next date.

5. Stand over to 12th June 2023 at 2.30 p.m.”

2. Thereafter, the matter was adjourned from time to time. Today, the learned counsel for the respective parties have tendered Consent Terms/Temporary arrangement agreed between the Petitioner and Respondent No.4 – Achal Kunal

Mahatre. The same has been duly signed by the Petitioner, Respondent No.4-Achal Kunal Mahatre and their respective Advocates. The said Consent Terms/ Temporary arrangement between the Petitioner and Respondent No.4 is taken on record and marked as 'X' for identification. Both the parties to comply with the respective terms as said in the Consent terms/temporary arrangement as agreed. Undertakings in the Consent terms are accepted.

3. In view of the aforesaid, nothing remains for further consideration in the Petition. Petition stand disposed of.

(GAURI GODSE, J.)

(REVATI MOHITE DERE, J.)