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

CRIMINAL WRIT PETITION NO. 3369 OF 2021

Mr. Dhiraj Kumar

...Petitioner

Versus

The State of Maharashtra and others

...Respondents

Mr. Aashutosh Srivastava for the petitioner

Mrs. P. P. Shinde APP for the State

Mr. Dhiraj Kumar petitioner present in person

Mrs. Sweety Bishwanath for respondent no. 3 (present through V.C.)

Master Samyak Kumar and Master Samik Kumar present through V.C.

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

DATE : 7th AUGUST 2023

P.C. :

1. This petition is filed seeking a writ of Habeas Corpus to produce two minor children of the petitioner who, according to the petitioner, were illegally detained by respondents nos. 3 to 7. Respondent no. 3 is the wife of the petitioner and mother of both the minor children. Respondents nos. 4 to 7 are relatives of respondent no. 3.
2. On 27th June 2023, learned APP on instructions had stated that

the children were at Ghaziabad and the police officer will record the statement of the petitioner-wife and children and produce the same before us. On 25th July 2023, the statements of the petitioner's wife as well as children were placed on record. By the order dated 25th July 2023, we adjourned the matter for hearing respondent no. 3 (wife of the petitioner) and two minor children through video conferencing. Accordingly, we interacted with respondent no. 3 and both minor children through video conferencing in the chamber.

3. We interacted with the minor children only in the presence of the learned APP. Subsequently, we also interacted with the children in the presence of both parties. During our interaction, we observed that both the children were quite matured and interacted with us very comfortably. Both the children informed us that they are happy with respondent no. 3 and would continue to stay at Ghaziabad along with their mother. (respondent no. 3).

4. We also permitted the petitioner to interact with the children through video conferencing. We found that both the children were not very comfortable interacting with the petitioner, and they informed us

that they do not wish to come to the petitioner and would continue to stay with their mother, i.e. respondent no. 3.

5. We do not find that both the children are illegally detained, as alleged by the petitioner. Hence, in view of the aforesaid, we do not find any reason to entertain the petition, and no further directions are necessary. Hence, the petition is disposed of.

GAURI GODSE, J.

REVATI MOHITE DERE, J.