



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2332 OF 2023

Mrs. Razia Imran Shaikh

...Petitioner

Versus

1. The State of Maharashtra
2. Mrs. Saira Mustaq Shaikh
3. Ms. Roshni Mustaq Shaikh
4. Mr. Imran Mustaq Shaikh

...Respondents

Mr. Shravan K. Giri for the petitioner

Ms. Swati Kumar for respondent nos. 2 to 4

Mrs. P. P. Shinde, APP for the State

Mr. Haribhau Bhosle, PSI, Nayanagar Police Station, Mira Bhayandar.

CORAM: REVATI MOHITE DERE &
GAURI GODSE, JJ.

DATE : 23rd AUGUST 2023

P.C. :

1. This petition is filed for seeking a writ of Habeas Corpus to produce the petitioner's two minor children - son aged about four years and daughter aged about one and half years, who, according to the petitioner, were illegally detained by respondent nos. 2 to 4, i.e. by her in-laws.

2. Pursuant to our order dated 12th July 2023, custody of the minor daughter Ifrah, aged about one and half years, was handed over to the petitioner. By the said order, directions were issued for granting overnight access to the minor son Azhar to the petitioner during the weekends. By order dated 19th July 2023, the interim order passed on 12th July 2023 was continued by passing the following operative order:

“1. The interim order passed on 12th July 2023 to continue as under;

a) Without prejudice to the rights and contentions of either parties; Respondent no. 4 shall hand over temporary custody of minor son Azhar to the petitioner on every Saturday latest by 7.00 p.m. at the petitioner's present address.

b) Petitioner shall hand over back the custody of the minor son Azhar to the petitioner on the next Sunday latest by 7.00 p.m.

c) Respondent no. 4 shall pick up Azhar on every Sunday in between 6.00 p.m. to 7.00 p.m. from the present address of the petitioner.

d) Respondent no. 4 and his parents are permitted to meet the minor daughter Ifrah for an hour either on Saturday or Sunday, when the respondent no. 4 visits the residence of the petitioner for dropping Azhar and picking him back. It is made clear that except for respondent no. 4 and his parents, no other family member or relative is permitted to visit the present the residence of the petitioner to meet the minor daughter Ifrah.

*4. Petitioner and the respondent no. 4 shall attend the office of 'Let's talk' Pre-litigation Mediation Centre at Family Court Thane on Monday, **24th July, 2023** at **11.30 am.***

*5. Stand over to **23rd August 2023** at **5.00 p.m.** in chamber.”*

3. By the said order, the petitioner(mother) and the respondent no. 4(father) were referred to ‘Let's talk’ Pre-litigation Mediation Centre at Family Court Thane. Today, the petitioner, as well as respondent no. 4, are present before us along with their respective advocates. The compliance report dated 22nd August 2023, submitted by the Co-ordinator, District Mediation Center, Thane, is placed before us. Said

report states that the Counsellor held two counselling sessions and that the mediation process was completed. However, the parties informed us that the mediation had failed and that they were unable to arrive at an amicable settlement.

4. In view of the aforesaid, nothing survives in the petition. Parties are at liberty to approach the appropriate Court for appropriate relief. To enable the parties to approach the appropriate Court, the interim arrangement regarding temporary custody/access of the minor children as directed by our order dated 19th July 2023 reproduced hereinabove shall continue for a period of 8 weeks from today.

5. Needless to record that the said arrangement is without prejudice to the rights and contentions of the petitioner as well as respondent no. 4.

6. Writ Petition is disposed of in the above terms.

GAURI GODSE, J.

REVATI MOHITE DERE, J.