

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4841 OF 2022

Rajeshwari Bhanubhai Sharma

...Petitioner

V/s.

Bhanubhai S Sharma And Anr.

...Respondents

Mr. Shreyas Shrivastava a/w Mr. Yogesh Devnani a/w Mr. Tanmay Bidkar
for Petitioner.

Mr. Dinesh Tiwari a/w Mr. Mikhail Dey, Ms. Priyasha Pawar, for Respondent
No.1.

Mrs. M.H.Mhatre, A.P.P. for the Respondent-State.

CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.

DATE : 12th JANUARY, 2023.

PC:-

. By the present Petition, Petitioner is seeking writ of habeas corpus of
Ms. Tanishi Sharma i.e. the daughter of Petitioner.

2. Record clearly indicates that, Petitioner has already filed a case under
the provisions of Protection of Women from Domestic Violence Act, 2005
bearing D.V. Case No.49 of 2021 in the Court of Metropolitan Magistrate,
27th Court, Mulund, Mumbai. Learned counsel for Petitioner on instructions
submitted that, Petitioner has also filed an application under Section 21 of
the said Act seeking interim custody of the said child.

3. The Hon'ble Supreme Court in the case of *Bombay Metropolitan
Region Development Authority, Bombay Vs. Gokak Patel Volkart Ltd. and
Ors.* reported in (1998) 1 SCC 642 held that, once the alternate remedy

available to the Petitioner is already availed, Writ Petition under Article 226 of the Constitution of India should not be entertained.

4. In view thereof, we find no reason to entertain this Petition and is accordingly dismissed.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)