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

CRIMINAL WRIT PETITION NO. 3752 OF 2023

Mrs. Pooja Prashant Sawant nee Pooja
Chandrakant Kamble ... Petitioner

vs.

The State of Maharashtra and Ors ... Respondents

Mr. Ajay Harish Lad, for the Petitioner

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

Mr. Kaushik Mhatre a/w. Ms. Jayshree Yadav, for the Respondent
Nos. 2 to 5.

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

**DATED : 30th NOVEMBER 2023
(Chamber matter)**

P.C. :-

1. By this petition, the petitioner seeks a writ of habeas corpus to produce her daughter aged 2 years, who according to her has been illegally detained by the respondent nos. 2 to 5.

2. On 29th November 2023, when the petition 1st appeared before us, learned counsel appearing for the respondent nos. 2 to 5 submitted, that the petitioner's daughter was not illegally

detained by the said respondents and that the daughter was with the grand parents i.e. respondent nos. 2 and 3.

3. Accordingly, vide order dated 29th November 2023, we directed respondent nos. 2 and 3 to produce the petitioner's daughter-Omisha before us on 30th November 2023 at 2.00 pm in Chambers. Accordingly, petitioner's daughter-Omisha was produced in our chamber by the grand parents, who are respondent nos. 2 and 3.

4. The respondent nos. 2 and 3 through their counsel submitted that the petitioner's daughter was never illegally detained by them and that the daughter was voluntarily handed over by the petitioner to them. Learned counsel for the said respondents further submits on instructions of respondent nos. 2 and 3 that since they have not illegally detained the petitioner's daughter- Omisha, they are ready to hand over custody of the petitioner's daughter to the petitioner, without prejudice to the rights and contention of their son i.e. respondent no.4 who has filed custody petition in the Family Court.

5. Without going into the merits of the allegations and as to whether respondents had illegally detained the petitioner's daughter or not, since respondent nos. 2 and 3 have voluntarily handed over custody of Omisha to the petitioner, nothing survives for further consideration in the petition.

6. We make it clear that we have not gone into the merits of the petition and as such all contentions of all parties on merits are kept open in the petition filed before the Family Court filed by the respondent no.4.

7. At this stage, learned counsel for the petitioner states on instructions of the petitioner, that the petitioner has no objection if the respondent nos. 2 and 3 i.e. grand parents of Omisha visit Omisha after informing her. Statement accepted.

8. Petition stands disposed of accordingly.

9. All parties to act on the authenticated copy of this order.

(GAURI GODSE, J.)

(REVATI MOHITE DERE, J.)