



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 CRIMINAL WRIT PETITION NO.1225 OF 2024

ANITA MEHUL SATHLIYA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. R. R. Kazi, Advocate for the Petitioner.
Mr. M. K. Goyanka, APP for Respondent Nos.1 to 3 – State.
...

**CORAM : SMT. VIBHA KANKANWADI &
ABHAY S. WAGHWASE, JJ.**

DATE : 27 AUGUST, 2024.

ORDER :-

. Report has been given that in view of the notice issued by this Court, the police officer with the petitioner had gone to the place of respondent No.4, who is the father of the child aged nine months. According to the petitioner – mother, respondent No.4 had taken the forcible custody of the child. In fact, the age of the child itself would show that the child needed the care, affection and love from the mother, as it is stated that it was a second child. It is stated that since last five months, respondent No.4 had taken away the child and the efforts to get the custody of the child at the time of execution of the notice of this petition had not

yielded any positive result. Now, the child was located in the house of respondent No.4 as it is stated and at that time, respondent No.4 was not present in the house. However, his mother was present and thereafter, the child has been taken in custody by the mother. Today, respondent No.4 is not present before us. At this stage, taking into consideration the age of the child, we may not go into the aspect as to whether the taking away of the child as alleged by the father would amount to kidnapping or confinement or not, but we are certain that the child needs the love and care of the mother and, therefore, the custody is handed over to her. In view of this progress, the learned Advocate for the petitioner seeks withdrawal of the writ petition.

2. Hence, the writ petition stands disposed of as withdrawn.

[ABHAY S. WAGHWASE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm