



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

3 CRIMINAL WRIT PETITION NO. 1255 OF 2024

AKSHAY SANDIP GADEKAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Mr. Ajay T. Kanawade

APP for Respondent nos.1 & 2 : Mr.S.A.Gaikwad

Advocate for Respondent no.3 : Mr. Rajendra K. Temkar

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

DATE : 19 AUGUST, 2024

PER COURT :-

1. Present petition has been filed for issuance or writ of *habeas corpus*. Notice was issued to respondent no.3, who is the father of respondent no.4 as it was conveyed that respondent no.4 is confined against her wish by respondent no.3. Respondent no.3, after service of notice, appeared before us and learned Advocate for him made a statement that the girl is missing since 05-08-2024. He produced photocopy of General Diary Details before us when the matter was on 06-08-2024. Thereafter, on 13-08-2024, learned Advocate for the petitioner placed the written communication before us by petitioner regarding withdrawal of the petition. The girl is stated to have got married with the petitioner and according to him, the girl had reached his house and therefore, he sought withdrawal of the

petition. Since it was a writ of *habeas corpus* to be issued, we were of the firm opinion that unless the girl is produced before us and we interact with her, we will not allow the petition to be withdrawn. We, therefore, directed that the girl be produced before us.

2. In view of our order dated 13-08-2024, the girl was produced before us. We have interacted with her in our Chamber in presence of the learned Advocates for the petitioner and respondent no.3 as well as learned APP.

3. The girl says that she got married to the petitioner on 12-07-2024, however, since missing report was filed by the father, she was appeared before Ghargaon Police Station and thereafter, she was kept in a Center by the Police for a day and thereafter, she went alongwith her parents. She resided there for 20 days and thereafter, without informing to even parents, she left the house on 05-08-2024 and reached the house of her husband. She has expressed her desire to be with her husband i.e. petitioner.

4. In view of this statement, we dispose of the writ petition.

(ABHAY S. WAGHWASE)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE