

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

CRIMINAL WRIT PETITION NO.980 OF 2024

Atul Raghunath Tiwale

.... Petitioner

Versus

The State of Maharashtra and Anr.

.... Respondents

.....

Mr.Harshad A. Sathe, Advocate for the Petitioner.

Ms.S.S. Kaushik, APP for Respondent No.1 – State.

Mr.P.R. Moses, Advocate for Respondent No.2.

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***CORAM : BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.***

DATED : 4th JULY 2024.

P.C. :

1 As directed by the earlier order, the respondent no.2 as well as the petitioner participated in the a Counselling Session and we have received a report from the Counsellor, Pre – Litigation Center, High Court of Bombay.

Considering that the respondent no.2 was apparently distressed and looking to the symptoms, we thought it fit to refer her for a Conselling Session, and the report received on 4th July, 2024 has confirmed her feelings that she was suffering from some sort of confusion, mood swings and probably due to her early pregnancy, and being a mother at a very early age.

2 The report of the Counsellor has analysed the symptoms as she had a proximate talk with the girl as well as her husband. The negative feelings and thoughts, which were haunting her, are analysed to be the cause why she left the house alongwith the child, and ran to her parent's house, and this is recalled by her, as a dramatic experience.

After assessing psychologically, the Counsellor has submitted a report categorically pin pointing the repeated habits and persistent fear repetitive thinking, dwelling in the past. However, the couple was jointly offered psycho-education regarding mental health and they were trained to recognize their own warning sings and indicator of mental illness. They were assisted by the Counsellor in dispelling several myths around mental health.

To went out her feelings, since the wife who expressed that she enjoyed writing was taught to pen down her feelings and record them in a notebook on a regular basis, with its privacy being maintained. She was also conveyed the technique of palm breathing exercises and she is informed to have actively participated in the whole exercise.

The Counsellor also reported that certain role play activities to bond the mother with the child were also carried out and now she is willing to give her consent to seek help, if necessary, and she expressed her readiness to stay with her husband alongwith the child.

At the end, by way of suggestion, the Counsellor has reported that the couple is yet to take psychiatry consultation, and they should work together harmoniously to maintain the well-being of their interpersonal relationship, as the family would normally live life.

3 The report is taken on record and marked “X”, for identification.

In the wake of the aforesaid exercise carried by us, and today Mrs.Priyal Atul Tiwale as well the petitioner Atul Raghunath Tiwale who are present before us, have expressed satisfaction with the Counselling Session they had undergone yesterday, 3rd July, 2024, and according to Mrs.Priyal Atul Tiwale that had helped her a lot. Yesterday i.e. on 3rd July, 2024, in Chamber, we permitted her to be with her husband, and she had accompanied him, and both are informed to have stayed in some private hotel in Mumbai.

Mrs.Priyal Atul Tiwale informed the Court that today she may be permitted to leave alongwith her husband, as he is resident of Kolhapur, and she is ready and willing to co-habit with his family in Kolhapur, but, has cautioned the husband that if she is unable to cope up with the family, then, he would have a separate dwelling for her in Kolhapur.

Mrs.Priyal Atul Tiwale also assured us that she will contact the Counsellor, if she feels mental pressure or anxiety, and we would request the Counsellor to provide her, the

mobile number and permit her to vent her grievance, atleast for some period of time.

4 The mother and father of Mrs.Priyal Atul Tiwale are also present and they categorically made a statement before us that they have no objection, if the girl accompany her husband, and continue to stay with him. However, they expressed that for a short while, before she leave for Kolhapur, they should be permitted to have a dialogue with her.

In the circumstances which we have noticed during the two hearings which were conducted in our chamber, we deem it appropriate that even though we are ready to allow her to go and reside with the petitioner in Kolhapur, she will not sever her ties with her parents, as we have seen her mother accompanied her on two days, and even today, she is present in the Court, in her support. We, therefore, expect that the entire family, which would include even the petitioner shall meet outside the Court premises and coagulate their relationship once again with the specific understanding that for the welfare of the small child aged 6 months, the petitioner and respondent no.2 have come together, and since we have interacted with Mrs.Priyal Atul Tiwale today, we find her to be very cheerful and optimistic in her approach, and we hope and trust that she will continue this demeanor while she continue to reside with the petitioner.

5 Respondent no.2 is permitted to accompany the petitioner after her meeting with her parents outside the Court

premises.

6 We would like to record our appreciation for Ms.Vishakha N. Punjani, the Counsellor who has done a recommendable job, as we could see the transformation of Mrs.Priyal Atul Tiwale after the Conselling Session, and we would like to record our appreciation to that effect.

Similarly, since Mrs.Kaushik, the learned APP has also rendered all her co-operation to Ms.Priyal Atul Tiwale from time to time when the last setting was held as well as yesterday 3rd July, 2024. We would also like to record her appreciation for the learned APP Ms.Kaushik.

With the aforesaid recording, we dispose off the Writ Petition.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)