

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

***CRIMINAL WRIT PETITION NO.1423 OF 2024***

Abdullah Parvez Kardame

.... Petitioner

***Versus***

The State of Maharashtra and Anr.

.... Respondents

.....

Mr.Ashish Dubey a/w. Saania Y. Mirza, Advocate for the  
Petitioner.

Mr.S.R. Shinde, Spl. P.P. a/w. Mr.D.J. Haldankar, APP for  
Respondent – State.

.....

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

***DATED : 1<sup>st</sup> JULY 2024.***

**P.C. :**

1            On hearing counsel for the petitioner, it is evident that in the first round, the petition seeking Writ in the nature of habeas corpus was withdrawn with liberty to adopt appropriate remedy.

Accordingly, the petitioner moved the Family Court at Bandra by filing Petition No.32 of 2022, wherein the respondent nos.2 and 3 marked their presence and stated that the custody of the minor daughter is with the mother, who is working in UAE.

In addition, respondent no.2 also moved an application before the Family Court, Bandra, to decide maintainability of the proceedings and for dismissal of the case.

The application is filed on 20<sup>th</sup> April, 2023, is under consideration of the Family Court, Bandra, and needless to state that, it is open to the petitioner to contest the said application. In any case, he can also insist for respondent no.1's reply to be filed before the Family Court, Bandra, before he come to a conclusion that this Court once again shall exercise its writ jurisdiction and issue writ in the nature of habeas corpus. At this stage, since the proceedings are pre-mature, we are inclined to entertain the same, but, we confer the liberty upon the petitioner to approach this court once the State becomes right. Writ Petition stands disposed of.

***(MANJUSHA DESHPANDE, J.)***

***(BHARATI DANGRE, J.)***