

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1724 OF 2024

Mehjbeen F. Kadri .. Petitioner
Versus
State of Maharashtra & Ors. .. Respondents

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Mr.Vishal V. Rankhambe with Ms.Aparna V. Rankhambe and
Mr.Chaitanya M. Bagul for the Petitioner.

Mr.Irfan Ansari with Mr.Abdul Kalam Ansari for the
Respondent Nos.2 to 4.

Mr.D.J.Haldankar, A.P.P. for the State/Respondent.

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CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 18th NOVEMBER, 2024
(In Chamber)

P.C:-

1. Though we had directed presence of the daughter alongwith the Petitioner before us in Chamber, today we are informed by the learned counsel appearing for the respective parties that the Respondent No.2-husband of the Petitioner and the father of the corpus, is still incarcerated.

2. By our order dated 14/06/2024, the parties were referred for mediation and the learned Mediator has already submitted his preliminary report, reflecting that the daughter

is very attached to the mother and feel secured in her presence. In this background, we had recorded as below :-

“4. The learned counsel for respondent nos.2 to 4 make a categorical statement that he has no difficulty if the daughter continue to reside with petitioner mother, till the father is released from custody, and, upon such a contingency with an advance intimation being given to the counsel for the petitioner, the parties shall approach the learned Mediator, who shall thereafter move ahead with the mediation proceedings.

5. It is made clear that in the meantime the daughter shall continue to attend the school and for no reason there shall be any default in sending her in school as well as continuation of her extra curriculum activities, which was undergoing.”

3. Since the husband is incarcerated, the mediation is kept in abeyance and in the wake of the above observations, we deem it appropriate that the girl continue to reside with her mother and as and when Respondent No.2 is released from custody, the parties shall approach the learned Mediator jointly and request for an appropriate arrangement, so that father is also able to avail access of his daughter, who is presently taken care by the mother.

With this direction, the Petition stand disposed off.

4. The counsel for the Petitioner fairly submit that the Petitioner had moved from the address mentioned in the title-clause and her new address shall be communicated to the counsel for the Respondent.

(MANJUSHA DESHPANDE,J.)

(BHARATI DANGRE, J.)