

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 5999 OF 2024

Chitra Marathe .. Petitioner
Versus
The State of Maharashtra and ors .. Respondents
...

Ms.Chitra Marathe, petitioner in person.
Ms.M.M. Deshmukh, APP for the State.
Mr. S.S. Chavan,A.P.I., Sinhgad Road Police Station, Pune City.

CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 19th DECEMBER, 2024

P.C:-

1. The petitioner, who is present before us in person admit that on the night of 7/12/2024, she rushed to the police station, as she was informed that her daughter was spotted by the petrolling vehicle and she was taken in Vadgaon police station, where her father i.e. respondent no.5 was also present and the child was handed over to him. It is her grievance that in the wake of the arrangement worked out with the respondent no.5, the child was residing with her.
2. Ms. Deshmukh, the learned APP has placed before us the statement of the girl recorded in the police station, where she had expressed her desire to be with the father and has hurled accusations against the mother by going to the extent that, she had bashed her and she faces danger to her life from her.

3. The petitioner, herself has narrated in the petition that, the child is in a habit of turning violent and this has precisely happened preceding the date on which she left the house, but it is her contention that she is under the influence of respondent no.5.

Presently, we do not want to accept the statements made either way, but we definitely feel that the child is in need of appropriate medical care including counseling and thereafter, if advised some medical treatment dealing with her mental health.

However, for this purpose we would require the cooperation of the respondent no.5, her own father as both the parents i.e. the petitioner and respondent no.5 must be now be wary of the fact that the child needs care, and by keeping aside their matrimonial disputes or fighting ego battles amongst themselves, both of them need to focus upon the mental welfare of the child, as it is informed that she had turned so aggressive and violent that the mother had to hide herself in the car, being apprehensive that she may face her wrath.

4. We deem it appropriate to issue notice to the respondent no.5, by making it returnable on 14/01/2025.

Hamdast granted.

In addition, the notice of the petition is also permitted to be served through private mode of service.

5. In the meantime, we permit the petitioner to establish contact with the Senior Police Inspector Mr. Dilip Dahigade, Sinhgad Road Police Station, Pune, who shall assist her and either personally accompany or entrust any other officer from the police station to

accompany her, when she visit the child, who is presently in the custody of respondent no.5, on any date as per her convenience and possibly tomorrow, and thereafter as and when she desire, till we take up the matter for hearing.

We only expect the petitioner to maintain her compose, when she meet the child and try to reestablish the bond with her as a mother and she shall not impose herself or compel her to accompany her at this stage.

We expect Investigating officer to render all the cooperation to the petitioner in establishing contact with her daughter.

The police officer is also directed to furnish his report to us about the said visit as well as the subsequent visits as are requested by the petitioner.

(MANJUSHA DESHPANDE,J)

(BHARATI DANGRE, J.)