

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR

**CRIMINAL WRIT PETITION NO. 302 OF 2024**

Mr. Sumit s/o Rajesh Dhule

Vs.

State of Maharashtra, Thru. PSO, PS Chandrapur City, District – Chandrapur and Ors.

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders.

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Mr. R.R. Vyas, Advocate a/w Ms. Kirti Deshpande,  
Advocate for applicant.

Ms. Trupti Udeshi, APP for non-applicants/State.

**CORAM : VINAY JOSHI, AND  
SMT.VRUSHALI V.JOSHI, JJ.**

**DATE : 12.04.2024**

In pursuance of our notice, respondent No.3, concerned police, have today brought before us a lady who was alleged to have been wrongfully confined.

2. Initially, the petitioner has approached to this Court for a prerogative writ of habeas corpus alleging that his wife went missing and probably, she is in custody of one Yuvraj Usare. The lady is near about 33 years old, who came before us and stated that due to matrimonial harassment, she does not wish to stay with her husband i.e. petitioner. She conceded that presently she is having relations with

Yuvraj but she desires to reside separately. She is firm that she does not wish to reside with her husband and children.

3. The lady has stated that she has already filed a divorce petition bearing Hindu Marriage Petition No.123/2024 in the Family Court of Amravati. The parents of the lady are also present before us, who says that they are allowing the lady to stay with them but she showed reluctance to go with her parents also. It appears that the lady is under the influence of Yuvraj, but she is major of sound mind and knows the consequences. We have tried to convince her that she is married having two children but she is firm that she does not wish to go with her husband. In the circumstances, we can not force a lady by exercising our writ jurisdiction.

4. The parties may resort the legal remedies as are permissible under law.

5. The petition stands disposed of accordingly.

(SMT. VRUSHALI V. JOSHI, J)

(VINAY JOSHI, J)