



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

6 CRIMINAL WRIT PETITION NO.1278 OF 2024

JANABAI W/O SHIVAJI SHINDE @ JANABAI D/O GANGARAM BABAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. A. U. Pawar and Mr. A. R. Syed, Advocate for the Petitioner.
Mr. G. A. Kulkarni, APP for Respondents/State.
...

CORAM : SMT. VIBHA KANKANWADI &
ROHIT W. JOSHI, JJ.
DATE : 21 JANUARY 2025

ORDER :

. The investigating officer found the missing girl and produced her before us. We have made inquiry with her in chamber and it appears that even as on today, she is minor as per the report. Now, the fact which she has given is that she had asked the accused Dnyaneshwar Ramesh Dhanewad to take her and she says that they have performed marriage. Now, it would be a question whether the said marriage is with a minor and for that purpose, the investigating officer would be at liberty to make necessary investigation, but now she has a six months old child which is stated to be from said accused Dnyaneshwar. The report says that said accused Dnyaneshwar has been arrested by the

investigating officer. The girl is not willing to go along with the petitioner, who is the mother. It appears that even earlier also there was a report given by the petitioner that Dnyaneshwar had kidnapped the girl. After the girl was found, under the orders, it appears that she was kept in juvenile home (बाल सुधारगृह), but then the girl was residing with the petitioner since about one month prior to the FIR. Now, the girl has expressed that she would reside with the parents of accused Dnyaneshwar. We had asked the investigating officer to contact the father of the accused, whereupon the investigating officer is submitting that the father of the accused is ready to accept the custody of the girl and her child. In view of the wish of the girl, we direct the investigating officer to leave the girl with the parents of accused Dnyaneshwar, however, at the time of leaving the custody of the girl, the investigating officer should take in writing from the parents of accused Dnyaneshwar that they would take care of the girl as well as her daughter and will produce her wherever the investigating officer or any Court of law directs.

2. Since the girl has been found, the purpose of the petition is over and we have also given the directions in respect of the

custody. Of course these directions would be in force till the girl becomes major. Upon attaining majority, she would be at liberty to go anywhere as per her wish.

3. With these observations, writ petition stands disposed of.

[ROHIT W. JOSHI]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm