

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

CRIMINAL WRIT PETITION NO. 534 OF 2025

Avais Asif Shaikh

..Petitioner

Versus

The State of Maharashtra & Ors.

..Respondents

Mr. Imtiyaz S. Shaikh a/w. Hassnain Kazi for Petitioner.

Smt. M. M. Deshmukh, APP for State/Respondent No.1 & 2.

Mr. Kuldeep Nikam for the Respondent Nos.3 & 4.

Ms. Sukeshini Jadhav, API (I.O.), Kondhwa police station, Pune.

**CORAM : SARANG V. KOTWAL &
S. M. MODAK, JJ.**

DATE : 25 FEBRUARY 2025

PC :

1. This is a petition for writ of *habeas corpus*. It is the Petitioner's case that, he got married with the Respondent No.4 on 11.06.2023. It was his case that the Respondent No.3 who is the father of the Respondent No.4; was not allowing her to stay with the petitioner or to meet him and, therefore, this petition was filed.

2. Vide the previous order dated 05.02.2025, we had issued

directions to the Police Officer of Kondhwa police station to produce the Respondent No.4 in the Court. She is accordingly produced before the Court. Considering the sensitive nature of the matter, we kept the matter in the chambers.

3. We interviewed the Respondent No.4 in presence of the learned APP and the Sheristedar of this Court. We interviewed her and assured her that she was free to express her will. She informed us that her date of birth was 22.05.2004. As of today, she is an adult and even on the date of marriage she was an adult. She specifically and in clear terms expressed her desire to go and stay with the petitioner. She stated before the Court that the Petitioner is an educated person and he has completed his education in B.E. Mechanical. At present, he is employed with a Multinational company at Pune. He is financially well settled in life. She expressed her wish to go with the Petitioner and to stay with him.

4. We interviewed the Respondent No.3 and his wife, independently. They expressed the apprehension about the safety of the Respondent No.4 and whether she would be able to

complete her education.

5. After interviewing them separately, we again heard the matter in presence of all the parties and their respective lawyers. At that time, the Petitioner assured before everybody that he would help the Respondent No.4 in completing her education in Pune. He further stated that, he will not cause any trouble to the Respondent No.3 and his family. He will take good care of the Respondent No.4.

6. In this view of the matter, it is quite clear that the Respondent No.4 is an adult and she is in a position to take her own decisions. She has completed the first year of B.A. in Psychology. She wants to continue with her studies. She has taken a conscious decision to stay with the Petitioner. She emphasised that they are already married, therefore, she would like to co-habit with the Petitioner.

7. In this view of the matter, we permit the Respondent No.4 to accompany the Petitioner and to stay with him.

8. Ms. Sukeshini Jadhav, API, Kondhwa police station, Pune

is present in the Chambers. She assured the Court that the Police Officers of Kondhwa police station shall visit the residence of the Petitioner and assure themselves about the well being of the Respondent No.4; for a reasonable period, as per their discretion. All these assurances are recorded.

9. In this view of the matter, no further orders are necessary, except, as mentioned above.

10. The Petition is disposed of.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)