

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

CRIMINAL WRIT PETITION NO.585 OF 2025

Abdul Majid Khan DeshmukhPetitioner
Versus
The State of Maharashtra
and othersRespondents

Mr. Gaurav Parkar, Advocate a/w. Shantanu Kadam for the
Petitioner.

Mr. B.V. Holambe-Patil, APP for the Respondent Nos.1 & 2-State.

Mr. Pratik Tare, Advocate for the Respondent No.3.

API Bharat Baburao, Alibaug police station is present.

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

DATE : 04th FEBRUARY, 2025

P.C. :

1. This is a Petition for *habeas corpus* filed by father of a
7 year 5 months girl. The contention of the Petitioner is that the girl
was residing with the Petitioner. He had also enrolled her in PNP
Cyrus Poonawalla School at Nagaon, District-Raigad. The girl was
studying in 1st standard but on 4.1.2025, the Respondent No.3 took
away the child forcibly against the Petitioner's consent and since
then he did not see the child. Therefore, he filed the present *habeas
corpus* Petition.

2. Heard Mr. Gaurav Parkar, learned counsel for the Petitioner, Mr. B.V. Holambe-Patil, learned APP for the Respondent Nos.1 & 2-State and Mr. Pratik Tare, learned counsel for the Respondent No.3.

3. On the last occasion, we had issued notice to the Respondents and we had directed the police to trace the Respondent No.3 and the child. Today, the Respondent No.3 and the child are present before the Court. Therefore, we have kept the matter in the Chambers. In the meantime, both the learned counsel had a discussion with each other and with their respective clients and with their efforts, both the parties have agreed to explore a possibility of settlement through mediation.

4. Learned counsel for the Respondent No.3, on instructions, makes a statement that till the mediation process is concluded, the Respondent No.3 shall make all the efforts to ensure that the child continues with her education in PNP Cyrus Poonawalla School at Nagaon, District-Raigad and for that purpose she will make all the efforts to make an arrangement of residence near the school so that the child can attend the school regularly. Learned counsel for the Petitioner, on instructions, submitted that for the

welfare of the child, the Petitioner shall also help the Respondent No.3 in this endeavour.

5. Considering this reasonable stand taken by the learned counsel for both sides, the parties can be referred for mediation. In the meantime, some interim arrangement can be made so that the mediation can progress peacefully. For the time being status quo as far as custody is concerned can be maintained but the Petitioner can be given uninterrupted access till the mediation is concluded.

6. Hence, the following order:

:: O R D E R ::

- i. Both the parties, either by themselves or through their representatives shall attend the Mediation Center of this Court on 14.2.2025 at 11.00 a.m.
- ii. The officer in-charge of the Mediation Center of this Court shall appoint a suitable Mediator from their Panel to make an attempt to bring about the settlement between the parties.
- iii. By way of ad-interim arrangement, the custody of the child can be retained by the Respondent No.3. The Petitioner shall not take away custody of the child, till further orders

of the Court.

- iv. The child shall continue to take education in the PNP Cyrus Poonawalla School at Nagaon, District-Raigad. As mentioned earlier, both the parties shall make efforts to ensure that the child resides nearby the school and can attend the school regularly.
- v. The Petitioner shall have uninterrupted exclusive access to the child three hours on any three days of the week, as per convenience of the parties.
- vi. It would be the responsibility of both the parties to ensure safety of the child.
- vii. All contentions of both the parties are left open.
- viii. The matter be posted before this Court on 2.4.2025. This arrangement shall continue till then.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)

Deshmane (PS)

Digitally signed
by
PRADIPKUMAR
PRAKASHRAO
DESHMANE
Date:
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