

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 805 OF 2025

Mayur Vaidya

...Petitioner

Versus

1. The State of Maharashtra
2. Prakash Ramji Bhai Parekh
3. Ramila Prakash Parekh
4. Haresh Prakash Parekh
5. Harsha Mayur Vaidya
6. Vihaan Mayur Vaidya

...Respondents

Mr. Tanmay Karmarkar (through V.C.), for the Petitioner.

Ms. M. M. Deshmukh, APP, for the Respondent No.1-State.

Mr. Shashikant Chaudhari a/w Ms. Pooja Phagnekar, Ms. Snehal Chaudhari i/b Maharashtra Law Associates, for the Respondent No.5.

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

DATE : 16th APRIL 2025

P.C. :

1. This Petition is filed with the following two main prayers;

“(a) That this Hon’ble Court be pleased to issue a Writ of Habeas Corpus or a writ, direction or order in the nature of Habeas Corpus or any other appropriate writ, direction or order

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under Article 226 of the Constitution of India directing the Respondent Nos. 2 to 5 to disclose the whereabouts of Respondent No. 6 and produce him before this Hon'ble Court;

(b) That thereafter this Hon'ble Court be pleased to determine the legality of his restrain and hold that the continued unlawful custody of the Respondent No. 6 by the Respondent No.2 and/or Respondent No.3/4/5 to be illegal;

2. At the outset, learned Counsel for the petitioner submitted that he is not pressing the prayer clause (b). He submitted that he is not aware of the whereabouts of his son and he has not met him from 3rd November, 2024. He submitted that at least the petitioner be permitted to meet his son in the Court premises. He further submitted that for the custody, interim custody, access and interim access, he will take steps in accordance with law before the Family Court.

3 In response to these submissions, learned Counsel appearing for the respondent No.5, on instructions, stated that the child is residing at the address mentioned in the cause title

of the Petition itself, which is the address of the respondent No.5. The child is going to S.K. Jain School at Marine Lines, Mumbai. The whereabouts of the child are now made known to the Petitioner. Therefore, nothing further survives in the Petition. However, as requested by the petitioner, he can meet his son after so many days. Hence, the following order.

ORDER

- i) The Petitioner can meet his son-respondent No.6 in the Mediation Centre of this Court on 21st April, 2025 between 3:00 p.m. and 5:00 p.m.
- ii) The Officer in-charge of the Mediation Centre shall ensure the sufficient protection for the child.
- iii) The Petitioner is permitted to meet his son alone-exclusively. The mother can remain present only in the vicinity.
- iv) The Petitioner is at liberty to adopt

appropriate proceeding in accordance with law before the Family Court for the custody, interim custody, access and interim access of the child.

v) With these observations the Petition is disposed of.

(S.M.MODAK, J.)

(SARANG V. KOTWAL, J.)