

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

CRIMINAL WRIT PETITION NO.827 OF 2025

Pawan Nagesh Saware Petitioner
versus
The State of Maharashtra & Ors. Respondents
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- Mr. Sufian Qureshi a/w Anees Shaikh, Advocate for Petitioner.
- Smt. M. M. Deshmukh, APP for the State/Respondent.
- Mr. Prashant Yadav i/b. C. B. Yadav a/w Nirag Tripathi, Advocate for Respondent No.4.
- IO- PSI Mr. Madan Waghmare, attached to Nirmal Nagar Police Station.

**CORAM : SARANG V. KOTWAL &
S. M. MODAK, JJ.
DATE : 04th MARCH, 2025**

P.C. :

1. Heard Mr. Sufian Qureshi, learned Counsel for the Petitioner, Mr. Prashant Yadav, learned counsel for the Respondent No.4 and Smt. M. M. Deshmukh, learned APP for the State.
2. This is a habeas corpus Petition filed by the Petitioner on the allegations that he got married with the Respondent No.4's daughter on 06/01/2025 with her consent. She is an adult. She was 19 years of age. According to the Petitioner, after the marriage, the Respondent No.4 took away his daughter with

him and did not permit her to accompany the Petitioner. According to the Petitioner, this amounts to illegal detention on the part of the Respondent No.4. He has therefore filed this Petition for writ of habeas corpus.

3. Considering these submissions, we had issued notice to the Respondent No.4 to produce his daughter before the Court today. Accordingly, the Respondent No.4 along with his daughter is present in the Court. Considering the sensitive nature of the matter, we kept hearing in the chambers. We interviewed the Respondent No.4's daughter in the presence of learned APP. We ensured that she was without any pressure and was free to tell her wish. We found that she was well aware of the situation and she gave clear answers. She has clearly stated before us that she got married with the Petitioner under pressure as he had threatened her. She did not want to go back to the Petitioner. She wanted to continue staying with her parents. She accepted that she had got married with the Petitioner but according to her, she was forced into that marriage and that she is desirous to get divorced from the Petitioner No.1.

4. Considering this situation, in our opinion, the question of divorce and marriage is beyond the scope of this Writ Petition. The Respondent No.4's daughter is present before us and she has expressed her desire to go with her parents and to stay with them. Therefore, no further orders can be passed in this Writ Petition. The Petition is accordingly dismissed.
5. However, to ensure the safety of the Respondent No.4, his daughter and his family, PSI Madan Waghmare attached to Nirmal Nagar police station, who is present in the Chamber is directed to inform the Police Officers of Kurar Police Station to ensure safety of the Respondent No.4's family.
6. Accordingly, the officers of Kurar Police Station, shall put in all efforts to ensure the safety of the Respondent No.4, his daughter and his family.
7. With these observations, the Petition is disposed of.

(S. M. MODAK J.)

(SARANG V. KOTWAL, J.)