

rajshree

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2086 OF 2025**

Salil DeshpandePetitioner

V/S

Shalaka Deshpande & Anr.Respondents

Ms.Megha Chandel for the Petitioner.

Mr.S.R. Agarkar, APP for the State.

**CORAM : BHARATI DANGRE &
SHYAM C. CHANDAK, JJ.**

DATE : 9th DECEMBER, 2025.

P.C.

1 On 25/08/2025, this Court had an opportunity to interact with the minor child (son) of the Petitioner who affirmatively told the Court that he want to pursue his education in the current school at New Jersey and he would prefer to reside with the Petitioner in USA and he do not desire to stay in India.

In the wake of the aforesaid, the son was allowed to accompany the Petitioner, who ensured that his education shall continue at New Jersey school.

2 The Petition also involve a daughter aged 13 years and she continue to be in the company of her mother and, therefore, the Petitioner seek writ of habeas corpus for her production.

In the wake of the previous order it is evident that though the son was allowed to travel with the father, the daughter continue to be with the mother in India, though it was specifically directed by the Court that the Parties shall permit the children in their respective custody to freely communicate with other parent and also as and when the children wishes to do so. The counsel representing the mother has expressed some apprehension about the well being of the son as after leaving India in the month of August, except at times when she was able to establish contact only virtually, she has not seen him and is desirous to meet him.

3 Though the Court had directed that both the children shall remain present before the Court on the next date of hearing, we deem it appropriate to direct that the son, who is accompanying the Petitioner, shall be permitted to visit India in forthcoming winter break in Christmas vacation and the learned counsel for the Petitioner is under instructions to make a statement that every endeavor shall be made by the Petitioner to bring him to India, but at the same time, he must also be in a position to avail access to the daughter. In the alternative, if for some reason the Petitioner could not arrange for the said visit in the winter break, it is informed that he shall visit with the son from 16/01/2026 and shall be in India at least for five days.

The aforesaid arrangement at this stage would satisfy the purpose of both the Parties, as the Petitioner would be able to meet his daughter as well as the Respondent would be able to meet her son and even the siblings can come together.

With this arrangement being worked out, we direct listing of the Petition on 21/01/2026, when we expect the Petitioner and Respondent No.1 to remain present in the Court alongwith the two children, so that the future course of action of the proceedings can be chartered.

List on 21/01/2026.

[SHYAM C. CHANDAK, J]

[BHARATI DANGRE, J]