

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

CRIMINAL WRIT PETITION NO. 3016 OF 2025

Hafsa Aiyub Patel ...Petitioner
Versus
The State of Maharashtra & Ors. ...Respondents

Mr. Irfan Unwala a/w Ms. Shaheen Kapadia, Advocate for the
Petitioner.

Mr. S.V. Gavand, APP for the Respondent/State.

Ms. Kritika Mishra, Advocate for Respondent No.5.

Mr. Jagannath Salunke, President of CWC, Raigad, present.

Ms. Prachi P., PSI, Neral Police Station, present.

Petitioner and her minor daughter are present in the Court.

SUNNY
ANKUSHRAO
THOTE
Digitally signed
by SUNNY
ANKUSHRAO
THOTE
Date: 2025.06.10
15:10:28 +0530

**CORAM : RAVINDRA V. GHUGE
&
M.M. SATHAYE, JJ.**

DATE : 9th JUNE, 2025

P.C. :-

1. The Petitioner claims to be the biological mother of the
minor daughter at issue. Vide this Petition invoking the Writ of
Habeas Corpus, she has put forth Prayer Clauses A, B, C and D, as
under :-

*“A. That the Hon'ble Court be pleased to issue a writ
of Habeas Corpus ordering and directing the
Respondent No. 4 and 5 to produce before this Hon'ble*

Court the Petitioner's minor daughter Amatullah Patel (Corpus);

B. Issue a writ of Habeas Corpus directing immediate release of the Petitioner's minor daughter Amatullah Patel (Corpus) from the illegal custody of the Respondent No. 4 and 5;

C. That this Hon'ble Court be pleased to release the Petitioner's minor daughter Amatullah Patel (Corpus) during the pendency of the present petition;

D. That this Hon'ble Court be pleased to issue an appropriate writ or order directing the Respondent No. 3 authority to take appropriate action against the Respondent No. 4 and 5 for harassing the Petitioner;”

2. On 6th June, 2025, the Vacation Bench of this Court had passed the following order :-

“1. By this Petition, the Petitioner seeks issuance of Writ of habeas corpus, directing the Respondent Nos. 4 and 5 to produce the Petitioner's minor daughter Amatullah Patel, before this Court and direct her release from the alleged illegal custody of the Respondent Nos. 4 & 5.

2. Heard Mr. Irfan Unwala, learned counsel for the Petitioner as well as the learned APP representing the State. We also perused the averments made in the Petition as well as the statement of the minor daughter-Amatullah aged about 16 years, given to the police officials of Neral Police Station.

3. In the said statement, the daughter, amongst other things has stated that she is ready to go with her mother to UK. The daughter is admittedly a citizen of the UK.

4. We also perused an email dated 5th June 2025

shown to us by the learned APP, issued by the Raigad, CWC to the Petitioner. Vide the said email the Petitioner was requested to take the custody of her daughter. However, the Petitioner sought time on the ground that she has asthma but she still wants to meet her daughter on Saturday.

5. Be that as it may, we direct that the minor daughter be produced before the Regular Court on Monday i.e. on 9th June 2025 at 02.30 pm. In the meantime, tomorrow i.e. on 7th June 2025 being the festival of Eid, the Petitioner-mother is permitted to meet the daughter at the premises of Swapnalay-the Respondent No.5 subject to the daughter's consent.

6. List the matter on 9th June 2025 before the Regular Court at 2.30 p.m.”

3. The liberty granted vide Paragraph No.5 reproduced above, has been availed of as per the specific statement made by the learned Advocate for the Petitioner, on instructions from the Petitioner, who is present in the Court hall.

4. The learned Advocate for the Petitioner submits, on instructions from the Petitioner, that the minor daughter (the name is mentioned in Paragraph No.1 of the order dated 6th June, 2025) is present in the Court hall and she is identified by the biological mother. The minor makes a statement before the Court, in the presence of the learned Advocate for the Petitioner, the learned APP, and her biological mother (the Petitioner), that she desires to reside

with the Petitioner.

5. The learned Advocate for the Petitioner submits, on instructions, that the Petitioner is willing to accept the minor daughter, who has a United Kingdom (U.K.) citizenship. The Petitioner's present country of residence is UK. The Petitioner is a citizen of United States of America (USA), and is presently residing in U.K.

6. The copy of the passport held by the Petitioner, is at Page Nos.34 and 35 of the Petition paper book, which is attested as a true copy by the learned Advocate for the Petitioner. At Page No.38 is a copy of the minor's passport, which is not attested by the learned Advocate for the Petitioner. The same was shown to the minor in the open Court and she submits that it is a photostat copy of her passport. The learned Advocate for the Petitioner has now attested the photostat copy of the minor's passport as a true copy, in the open Court.

7. Considering the consent of the Petitioner to accept the minor daughter and as the minor desires to reside with the Petitioner, who is her biological mother, the custody of the minor

shall be handed over to the Petitioner. Respondent Nos.4 and 5 would comply with the prescribed requirements/procedures/legal formalities while handing over the minor to the Petitioner.

8. The Petitioner undertakes to comply with all the formalities required for acquiring an exit visa for the minor and carry her along with her to UK, at her address mentioned in the title clause in the Petition. The Petitioner undertakes to complete the legal formalities within two weeks from today. We record the statement as being a statement made to the Court by the Petitioner. The minor specifically states in the Court that she desires to travel back to the U.K. along with the Petitioner (biological mother) and join her biological father, who is residing in the U.K.

9. In view of the above, **this Petition is disposed off.**

(M.M. SATHAYE, J.)

(RAVINDRA V. GHUGE, J.)