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

WRIT PETITION NO. 3141 OF 2025

Mrs. Shabnam Saipan Shaikh ... Petitioner

V/s.

State of Maharashtra And Ors. ... Respondents

Ms. Yogita M. Chaube i/b. Mr. Satish R. Mishra, for Petitioner.

Mrs. Rutuja Ambekar, Addl. P.P. for the Respondent No.2-State.

PSI Ms. Munde, of Koparkhairane Police Station, present.

**CORAM : RAVINDRA V. GHUGE AND
GAUTAM A. ANKHAD, JJ.**

DATE : 20th AUGUST, 2025.

ORAL JUDGMENT : (Per : GAUTAM A. ANKHAD, J.)

1) Rule. Rule is made returnable forthwith and the matter is heard finally with the consent of parties.

2) The Petitioner has filed the present Petition under Article 226 of the Constitution of India, seeking a Writ of *Habeas Corpus* in respect of her 14 year old daughter who is missing since 8th April 2025. The matter has been heard on earlier occasions including on 18th June 2025 and 23rd June 2025. On

10th July 2025, we had passed following order:-

- 1. The Petitioner claims to be the biological mother of a missing girl, who is said to be 15 years of age. Earlier, the same daughter of the Petitioner had gone missing and the Petitioner had registered a First Information Report (FIR) No.130 of 2025 on 11th February, 2025 with the Kopar Khairane Police Station, District Navi Mumbai. Subsequently, the girl was traced out while being in the company of a male friend.*
- 2. However, the same girl has now gone missing for the second time. The Petitioner again lodged a complaint with the same Police Station on 8th April, 2025. In the said complaint, in Paragraph No.3 on the second page, the mother has stated that after the girl was traced out earlier on 14th March, 2025, she was taken to the Jijamata Hospital, Airoli, Navi Mumbai for a medical examination. Being 15 years of age, she refused to undergo a medical examination. The Police Station has now registered the FIR bearing no.337 of 2025, on 9th April, 2025. In the complaint dated 8th April, 2025, the mother has mentioned that the male friend of her daughter has declared that both are in love.*
- 3. The learned APP submits, on instructions from the Investigating Officer (I.O.) that a lady I.O. of the Police Station is investigating the complaint under the supervision and guidance of a Deputy Commissioner of Police (DCP) of the Zone. The investigating team has visited the said boy at his village and it is reported that the missing girl is not in his company.*
- 4. In the light of the above, we direct the I.O. to apprise the Court of the further investigation, once in each fortnight. All efforts shall be made to search out the girl. If required, the parents and relatives be interrogated. We would expect the investigating team to utilize all the resources available at it's disposal, as permissible in law, in order to trace out the girl.*
- 5. For the present, we are listing this Petition on 25th July,*

2025, for noting the progress in the investigation.

6. We permit the learned APP to mention this matter if the girl is traced out.

3) The matter was mentioned on 18th August 2025, and we were informed that the minor girl had been traced. Accordingly the matter was listed today for the production of the minor girl in Court.

4) When the matter was called out today in the morning session, Ms. Ambekar, learned APP informed the Court that the minor had been traced to the residence of her 22 year old male friend. She was produced before the Court by PSI Ms. Munde of the Kopar Khairane Police Station. Ms. Ambekar further submitted that the minor is unwilling to return to her parents' home and has expressed her desire to stay at a Child Welfare Centre.

5) Considering the sensitivity of the situation, we directed that the matter be taken up in Chambers at 3:00 p.m. We interacted with the minor, initially in the presence of Ms. Ambekar and Ms. Chaube, learned Advocates for the parties. The learned APP apprised us that the said male friend has been charged with offences under the POCSO Act as well as under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, in two separate cases,

and is presently on bail. We also explained to the minor the implications of her repeatedly absconding from home to be with him.

6) During our interaction, the minor appeared composed. After initial reluctance, she conveyed her willingness to reside with her family at least until she attains the age of 18 years. Thereafter, we interacted with the Petitioner and apprised her of the minor's statement. Though distressed, the Petitioner assured us that the family would take the minor home, ensure her well-being, and facilitate the resumption of her schooling. The Petitioner further requested that appropriate directions be issued for retrieval of the minor's identity documents presently in possession of her male friend.

7) Since the minor has been produced before us, we find that this Petition stands worked out. However we issue the following directions for ensuring the well-being of the minor, who has been away from home since 8th April 2025:

- (i) The Police will recover all original documents, identity cards, and other belongings of the minor from her male friend and hand them over to the Petitioner;
- (ii) As the minor has consented for medical examination, a lady constable will take the minor to a government hospital for medical examination; and

(iii) The Police will hand over the minor to the Petitioner after completing the necessary formalities.

8) Rule is discharged. **The Petition stands disposed of** in the above terms.

(GAUTAM A. ANKHAD, J.)

(RAVINDRA V. GHUGE, J.)