

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3426 OF 2025

Amruta Hemant Mapuskar

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Ms. Shama Mulla for the Petitioner.

Mr. V.A. Gavand , APP for Respondent/State.

SNEHA
NITIN
CHAVAN

Digitally signed
by SNEHA
NITIN CHAVAN
Date:
2025.07.07
17:39:50 +0530

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

DATE : 3rd JULY, 2025

P.C. :

1. The Petitioner has put forth prayer clauses (a), (b), (c), in the alternative (d), as under:-

(a) This Hon'ble Court may be pleased to direct the Respondent No. 3 i.e. Joint Sub-Registrar, Joint Sub-Registrar Office, Andheri 1, MTNL Building, 2nd Floor, Lallubhai Park, Parasi Colony, Andheri West, Mumbai 400 058 to issue commission for examination of Respondent No.5 U/s. 38 (2) of Registration Act, 1908 at Central Prison, Sane Guruji Marg, Arthur Road, Chinchpokli, Mumbai - 400011 and complete registration process of Release Deed in the presence of Respondent No.4.

(b) This Hon'ble Court may be pleased to direct the Respondent No.4 i.e. Prison Authority to give necessary permission with all technical arrangement to the Petitioner and Respondent No.3 for examination, execution and registration of Release Deed in the premises of Central Prison, Sane Guruji Marg, Arthur Road, Chinchpokli, Mumbai - 400011.

(c) The Respondent No. 4 may be directed to give permission to Petitioner to keep Notary Public present on the date of execution of Release Deed in the premises of the prison Authority to execute documents/permissions/NOC's as mentioned in Paragraph No.11(viii) of present Writ Petition.

In alternative,

(d) This Hon'ble Court may be pleased to direct the Respondent No.4 i.e. Prison Authority to produce the Respondent No.5 along with Police Escort before the Joint Sub-Registrar, Joint Sub Registrar Office, Andheri 1, MTNL Building, 2nd Floor, Lallubhai Park, Parasi Colony, Andheri West, Mumbai 400058 for execution and registration of Release Deed."

2. We have heard the learned Advocate for the Petitioner and the learned APP.

3. The learned APP informs us that the Petitioner and Respondent No.5 were party to a divorce proceeding bearing Petition No. F-2216/2017, before the Family Court, Bandra. On 06.09.2017, a divorce was granted by the Family Court. The Consent Terms were framed between the parties. Respondent No.5 agreed to transfer the said flat in favour of the Petitioner.

4. The pleadings in the Petition indicate that the Petitioner repaid the entire loan amount with reference to the said flat, to IDBI, as

on 29.05.2023. Respondent No.5 has been arrested in the some offence and he is in jail since October 2024. The Petitioner desires to sell the flat and needs the consent of her ex-husband, since presently they have co-ownership over the flat. Since, Respondent No.5 is in jail, the necessary documents cannot be executed for transferring the entire ownership of the flat in the name of the Petitioner.

5. We do not find that this Court can exercise its Writ jurisdiction in such a private matter. The issue is between a couple which has separated and certain terms have been drawn while the divorce decree was granted. The Petitioner could avail of a legal remedy for getting the terms of the decree executed.

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

(M.M. SATHAYE, J.)

(RAVINDRA V. GHUGE, J.)