
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3495 OF 2025

Jaslin Gurmeet Singh Batra

.. Petitioner

Versus

Gurmeet Singh Surjit Singh Batra & Anr.

.. Respondents

Mr. G. L. Bajaj a/w Raunak Bajaj & Shreya Gosavi for the Petitioner.

Adv. S. V. Gavand, APP for the Respondent-State.

CORAM: RAVINDRA V. GHUGE &
GAUTAM A. ANKHAD, JJ.

DATE: 7th JULY, 2025

P. C.

1. The Petitioner (the Mother of the children) has preferred this Petition invoking the Writ of Habeas Corpus for seeking a direction against the Respondent (the father of the children), to return the children to the custody of the mother, in light of the order dated 2nd May 2025 passed by the learned Trial Court in Civil Miscellaneous Application No. 272 of 2022.

2. In the directions set out in the said Order Below Exhibit-45, the father was directed to return the custody of the children to the mother on 20th

Laxmi

May, 2025 after availing the visitation rights. The mother directed to hand over the interim custody of the children to their father on 7th May 2025. Since the above direction was not complied with by the father and the children were not returned to the mother on 20th May 2025, she filed an Application dated 22nd May, 2025 praying for a direction to the husband to hand over the custody of the children to the mother. The father has filed his written say dated 11th June 2025.

3. The mother once again filed an Application dated 24th June, 2025 requesting the Court to pass an order under Order 39 Rule 11 of the Code of Civil Procedure, 1908 for initiating action against the father for disobedience of the order of the Court. The said Application is also pending adjudication. The next date in the matter before the Trial Court is 25th July, 2025.

4. Since the Petitioner has cited Judgments delivered by the Hon'ble Supreme Court in the case of *Tejaswini Gaud Vs. Shekhar Jagdish Prasad Tewari and others [(2019) 7 SCC 42]* and *Yashita Sahu Vs. State of Rajasthan and others [(2020)3SCC 67]*, we find that in such matters, though the law of Habeas Corpus can be invoked, the same is to be done as an exceptional case and when there is no expeditious and efficacious remedy available. Since we

find that the Petitioner's (mother) Applications are pending adjudication before the Trial Court, wherein an order of restoring the custody of the children with the mother and action against the father for disobedience of the Court order, could be passed, we do not find that it would be appropriate to entertain this Petition.

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

5. However, we direct the learned Ad-hoc District Judge-8 Pune to deal with the pending two Applications filed by the wife. The same be heard on 25th July, 2025 and an order thereon shall be passed on or before 31st July, 2025.

[GAUTAM A. ANKHAD, J.]

[RAVINDRA V. GHUGE, J.]