

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

WRIT PETITION NO. 3697 OF 2025

Manisha Hiralal Desai ... Petitioner
versus
The State of Maharashtra & Ors. ... Respondents

...
Mr.Nimesh Mehta for the Petitioner.
Mr.A.A.Naik, AGP for the Respondent -State.
Mr.Anand Mishra with Ms.Priti Rao i/b. Mr.Ashok M. Saraogi for
Respondent No.4.

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

DATE : 18th July, 2025

P.C.:-

1. The Petitioner appears before this Court in her capacity as the biological daughter of Mr.Hiralal Maganlal Desai and Mrs.Ila Hiralal Desai. Respondent No.4 before us is the biological son of the said couple and, the Petitioner's younger brother.

2. The Petitioner was residing in the United States of America since 1997, which is an admitted position. She returned to India in 2019. The father of the siblings, namely, Hiralal Desai is around 80 years of age and their mother, Mrs. Ila Desai is around 79 years of age.

3. The Petitioner had approached this Court by preferring Writ Petition No. 1804 of 2025, on the original side, putting forth certain prayers. A Coordinate Bench of this Court passed an order on 17th June, 2025 recording that the Petitioner desires to withdraw the said Petition in order to initiate appropriate proceedings, as may be maintainable in law. Upon the aforesaid statement being made, the Petition was permitted to be withdrawn with liberty.

4. The Petitioner has contended in this Petition that Respondent No. 4, brother, abuses the parents verbally, physically, mentally, and emotionally since 1997. He uses sticks, belts and also his hands to inflict injuries. Two photographs are placed on record at page Nos. 56 and 57 with the contention that they indicate physical hurt being caused to the mother.

5. With the above pleadings, we passed an order on 15th July, 2025, which reads as under :

1. Issue notice to the Respondents.

2. The learned APP waives service of notice on behalf of Respondent No.1. Mr. Mishra waives service of notice on behalf of Respondent No.4.

3. We direct Respondent No.3 to depute a senior

responsible officer, not below the rank of Deputy Superintendent of Police/DCP, to immediately visit the house of Respondent No.4 and check on the well being and health condition of the parents of the Petitioner and Respondent No.4, who are said to be residing on the address of Respondent No.4 mentioned in the title clause. Let this report be tendered to the Court on Friday i.e. 18th July, 2025.

4. Respondent No.4 consents that the Petitioner may also visit the home along with the Police Officers. The learned APP would direct Respondent No.3 to co-ordinate the visit accordingly.

5. Stand over to 18th July, 2025. The matter to be listed on the Supplementary Board.”

6. The learned APP has tendered a report of Mr.Sandeep Jadhav, Deputy Commissioner of Police, Zone XI, Mumbai dated 17th July, 2025 addressed to him. A copy of the said report is taken on record and marked as 'X' for identification. The said police officer has stated in the report that he visited the residence of Respondent No.4 along with a lady PSI, namely, Ms.Pooja Kadam and both of them met the parents. An interpreter, considering that the parents are a Gujrathi speaking couple, namely, a lady PSI, Ms.Shashikala Sagar attached to Borivali Police Station, also accompanied Ms.Pooja Kadam and Mr. Sandeep Jadhav.

7. For clarity, we are reproducing paragraph Nos. 1 to 6 of the report X, hereunder:

“1. I say that the said Writ Petition was filed by the Petitioner Manisha Hiralal Desai in connection with Petitioner's parents being kept in isolation and not being permitted any contact with the Petitioner and others and being subjected to physical and mental torture by the brother of the present Petitioner, Mr. Nimish Hiralal Desai.

2. That the Petitioner had submitted a Complaint Letter to the Office of Dy. Commissioner of Police, Zone XI, Mumbai.

3. The Petitioner chose to move the Hon'ble High Court of Bombay vide the present Writ Petition seeking access to the Petitioner's parents, especially her mother and authorities to prevent any obstruction, interference or intimidation from Respondent No. 4 in order to ensure safety, liberty and emotional well-being of the Petitioner's parents.

4. That I was appointed by the Respondent No. 3 pursuant to Order dt. 15.07.2025 by the Office of Public Prosecutor, High Court (AS), Mumbai to check the well-being of Mr. Hiralal Desai and Mrs. Ila Hiralal Desai (parents of the Petitioners).

5. I say that I have visited the parents of the Petitioners on 16.07.2025 at their residence at Flat No. 904, Adinath CHS Ltd. Kastur Park, Shimpoli, Borivali West, Mumbai 400 092 in the presence of WPSI Pooja Kadam attached to Gorai Police Station as a Gujarati interpreter, WPSI Shashikala Sagar attached to Borivali Police Station and the Petitioner herself.

6. I personally spoke to the parents of the Petitioners and tried to obtain their confidence, however the parents of the Petitioner did not disclose any facts corroborating the allegations levelled in the present

Writ Petition. WPSI Pooja Kadam also tried to obtain information relating to commission of offences against them, however no such information could be procured from the conversation despite engaging them well. The parents of the Petitioner assured me and WPSI Pooja Kadam that they are in good health and have no apprehension whatsoever and no ill treatment was meted out to them as alleged by the Petitioner. No signs of physical abuse were observed on the person of the Petitioner's parents, nor was any swelling appeared while interacting with them orally.”

8. The Petitioner concedes that she accompanied the three police officers during their visit to the residence of the parents on 16th July, 2025. The report indicates that none of the officers observed any bruises or injury marks on either of the parents. The old couple (parents) conveyed to the officers that both of them were happily living with their son, Respondent No. 4. They do not have any grievances against him.

9. In view of the above, we do not find any reason to entertain this Petition filed for invoking the Writ of Habeas Corpus. **The same is, therefore, dismissed.**

10. After this order was dictated, the learned Advocate for the Petitioner made a request that Respondent No.4 may at least allow the Petitioner to meet the parents.

11. The learned Advocate representing Respondent No.4 submits, on instructions, that whenever the Petitioner comes to their house, she starts an argument and it results into a quarrel between the two siblings. If the Petitioner desires to speak with the parents, a Whatsapp video call facility can be arranged.

12. Considering the above, we hope that wisdom would prevail upon the siblings insofar as the nurturing and caring of the parents.

(GAUTAM A. ANKHAD, J.)

(RAVINDRA V. GHUGE, J.)