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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4056 OF 2025

Bhavini Umre

.. Petitioner

Versus

Union Territory of Dadra and Nagar Haveli
and Diu & Ors.

.. Respondents

Mr. Bhavesh Parmar a/w Rahul Gaikwad, Reshma Nair, Rajesh Sahani,
Vivekanand Akshali i/b. Devmani Shukla & Vijayprakash yadav for the
Petitioner.

Mr. Pramod Kathane for the Respondent 3.

Mr. H. S. Venegavkar, Spl.P.P. a/w Aayush Kedia for Respondent Nos. 1
and 2.

Mr. S.V. Gavand, Addl.P.P. for the State.

Mr. Paritosh Umre, Respondent No.3 is present.

Ms. Bhavini Umre, Petitioner is present.

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

DATE: **JULY 25, 2025**

P. C.

1. On 24th July, 2025, we had passed the following order:-

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“1. *This Petition has been filed by the mother of a six year old girl child, invoking a Writ of Habeas Corpus.*

2. *Since we had granted circulation in this matter urgently within 24 hours, the Petitioner has issued a notice to Respondent No.1, Union Territory of Dadra and Nagar Haveli and Daman and Diu, Respondent No.2, Officer-in-charge, Silvassa Police Station and Respondent No.3, the father of the child who is the estranged husband of the Petitioner, Mr. Paritosh Umre. All of them have been served through email attachments. The Petitioner is filing the affidavit of service.*

3. *Copies of the Advocate’s email notices, along with the original service affidavit (17 pages), are tendered by way of a compilation. The same is taken on record and marked as ‘X’ for identification.*

4. *The learned Advocate representing the Union Territory of Dadra and Nagar Haveli and Daman and Diu has caused appearance on behalf of Respondent Nos.1 and 2. Respondent No.3 is neither present in person before the Court, nor available through the video conferencing mode. Despite his name being called out by the Court Sheristedar in the open Court, there was no response.*

5. *It is conveyed to us by the Petitioner that considering the marital discord, proceedings between the husband and the wife are pending before various fora. On 25th February, 2025, the first incident of the father abducting the minor daughter from the custody of the mother, has been recorded. In OMA No.26 of 2025, the learned Magistrate passed an order on 27th February, 2025 issuing a search warrant. On 1st March, 2025, the learned Magistrate disposed off the proceedings considering the Purshis that was filed. Vide the Purshis, the husband has agreed for equal guardianship and custody of the child. He also agreed to give the temporary*

custody of the child, Dhivisha, to the Petitioner wife for her day to day care and nurturing, until the issue of final custody is decided by the Court. The Purshis dated 1st March, 2025 (wrongly typed as “1st February, 2025”) is placed on record at page no.27 of the Petition paper book.

6. *On 17th July, 2025, the second incident of abduction, which is the subject matter of this Petition, has occurred. Colour printout of the photographs are placed on record from page nos.39 to 49. The photographs carry the date and time and indicate the sequence of events. From the said photographs, it is prima facie evident that four to five unknown persons have physically lifted the six year old girl child and put her in a Car, which is at page no.47 of the Petition paper book, and whisked away. Respondent No.3 father is also seen pushing his father-in-law in order to take the child in his grip. The father-in-law has fallen to the ground and Respondent No.3 is also assisting in physically lifting the child.*

7. *In view of the above, we need to react swiftly in the light of a complaint lodged by the mother immediately on the same day with Respondent No.2 Police Station. It is contended that there has been no response from the Police Authorities. A second complaint was lodged on 19th July, 2025. Yet, no action has been taken till date. This is atrocious.*

8. *In view of the above, we direct Respondent No.2 to ensure the physical presence of the child, Dhivisha, before this Court on 25th July, 2025 and to personally appear in Court on the said date.*

9. *The learned Advocate appearing for Respondent Nos.1 and 2 submits that the above directions would be complied with, without any excuse.*

10. *Stand over to 25th July, 2025 at 3.00 p.m.”*

2. Today, Respondent No.3 appeared before the Court through the Counsel. Respondent No.3 as well as the Petitioner, are present in the Court.

3. After considering the submissions on behalf of the couple, we reminded Respondent No.3 of the earlier incident of identical nature in which he had forcibly picked up his daughter from the custody of the mother, on 25th February, 2025. As recorded in paragraph 5 of our earlier order dated 24th July, 2025, Respondent No.3 husband had then returned the custody of the child, to the mother, before the learned Magistrate. Vide this Petition, the incident which took place on 17th July 2025, as recorded in paragraph 6 of our order reproduced herein above, is brought before us.

4. We called upon the father of the child as to whether we should initiate action against him. He stated that his 6 years old daughter is present in Court hall and she would be handed over to the custody of the mother. In the Court hall, the child was handed over to the mother and we noticed that she impulsively rushed into the arms of her mother and started weeping with joy. The reunion made both of them emotional and both started weeping in the Court.

5. Since this was a second incident of snatching his own daughter forcibly, from the custody of the mother, we called upon Respondent No.3 as to whether he would tender an affidavit/undertaking to the Court that henceforth, he would not indulge in any such act.

6. The learned Advocate for Respondent No.3 has conveyed to us on instructions that the father of the child is remorseful and has realized that he should not indulge in any such act. He desired to tender a written apology undertaking.

7. After a pass-over, when the matter was called out, he tendered an affidavit/undertaking dated 25th July, 2025 (3 pages). The said original affidavit is marked as 'Y' for identification. Respondent No.3-father has tendered an unconditional apology and he begged for pardon. He has assured that such incident would never happen any time in future and if he has any issue with regard to the visitation rights and the custody of the child, he would follow the due procedure and would approach the Court in which the litigation between the couple is pending.

8. As regards the two complaints lodged by the mother with the Silvassa Police Station, the learned Chief Public Prosecutor along with the Additional P.P. have informed us that now proceedings have been registered against Respondent No.3. A good behavior bond/undertaking will be taken from him containing an assurance that he would never repeat this action in time in future.

9. The learned Advocate for the Petitioner submits that she has already left with the child to her home in Silvassa under protection offered by Respondent No.2 and she thinks that any strict action against the father would also affect the child, especially, a girl child who is growing up. He, therefore submits that though the complaint that is lodged may be kept pending with the concerned Police Station, action be taken against the group of unknown persons who had abducted her daughter.

10. In so far as the conduct of Respondent No.2, the Station House Officer of the Silvassa Police Station, in his response to the complaints of the mother dated 17th July, 2025 and 19th July 2025, we find that the said officer has not acted with promptitude and sincerity, as any common man would have expected of him. Respondent No.2's justification is that since there is a marital

discord, both sides are involved in the litigation. Keeping in view the earlier complaint dated 25th February, 2025, he felt that this is one more case of tussle between the husband and wife. He, therefore, referred the complaint to the Women and Children Welfare Committee.

11. We are not impressed by such explanation. To say the least, Respondent no. 2 has acted casually. In our view, considering the seriousness that clearly emerges from the narration of the incident in the complaint, Respondent No.2 should have acted more responsible. A girl child of about 6 years of the age, who was returning from her school in her school uniform, is snatched from the grip of the maternal grand father, after assaulting the grand father (who fell to the ground) and 4-5 unknown male persons physically touching her and bodily lifting her with the involvement of the father, *prima facie* evident from the colour photographs annexed at Page 39 to 49, was enough material for the said officer to have acted with great speed and promptitude. The reaction shown by the officer is deprecable.

12. We were, therefore, inclined to refer this case to the highest officer in the Police Department in the Union Territory of Silvassa, Dadra and Nagar Haveli, for initiating disciplinary proceedings with reference to Respondent

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no.2, Shri. Anilkumar T. K., Station House Officer, Silvassa Police Station. However, the learned Chief Public Prosecutor has conveyed to us that the officer had no other intention and henceforth, would be extremely cautious and proactive while dealing with such complaints and would react with promptitude and urgency to ensure the safety of any person, in such cases. He assures that the said Police Officer would ensure that no complaint of such nature in future would be made against his performance of duties.

13. Hence, we set this issue to rest. However, we record that if in future, any such behavior/conduct on the part of the Officer is repeated, the said Police Department would proceed to initiate disciplinary action against him. We also, direct the learned Registrar Judicial – 1, to place this order before the Deputy Inspector General of Police for Dadra and Nagar Haveli and Daman and Diu, with a direction that our serious displeasure along with this order, shall be entered into the service book of Respondent no. 2.

14. Insofar as the complaints of the mother dated 17th July, 2025 and 19th July, 2025 against unknown persons who assisted her husband in abducting the child are concerned, the said police station shall investigate into the said complaints, trace out those persons and register an appropriate First

Information Report (FIR) against them. The said FIR should be appropriately investigated into and there should be no laxity in the investigation. The assistance of the husband in this inquiry can be taken by the concerned police.

15. In view of the above, and by consent of parties, **this Petition is disposed off.**

16. On the request of the learned Advocate for the Petitioner, the learned Chief Public Prosecutor submits that Respondent No.2 would himself reach the residence of the father and collect the school bag, school belongings, as well as the uniform of the child from paternal home and deliver the same to the residence of the Petitioner-mother by the end of 26th July, 2025

[GAUTAM A. ANKHAD, J.]

[RAVINDRA V. GHUGE, J.]