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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4308 OF 2025

Sanket Borge

.. Petitioner

Versus

Sanjay Divekar & Ors.

.. Respondents

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**Mr. Rachit Khamparia** i/b. Narendra Sharma for the Petitioner.

**Mr. Ishaan Kapse** a/w Shubham Shinde for the Respondent Nos. 1 & 2.

**Mr. S. V. Gavand, Addl.P.P.** for the Respondent-State.

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

DATE: AUGUST 12, 2025

P. C.

1. On 6<sup>th</sup> August, 2025, we had passed the following order:

*“1. At 11.00 am, the Petitioner Counsel expressed grave urgency. Considering the urgency, we listed this Petition on the production board to be called out after the Lunch Session.*

*2. This Petition is filed for invoking the Writ of Habeas Corpus. The Petitioner contends that the girl*

*with whom the Petitioner was supposed to have a Court marriage on 14<sup>th</sup> August 2025, has been detained by her father and her brother, Respondent Nos.1 and 2, herein.*

3. *Leave to add the District Superintendent of Police, Satara District, Satara, as Respondents No.6. Addition be carried out forthwith.*

4. ***Issue notice to Respondent Nos. 3 to 6.***  
*The learned APP waives service of notice on behalf of these 4 Respondents.*

5. *We call upon the learned APP to convey to Respondent No.4 that he will ensure that the said Girl, who is an adult viz. Ms. XXX XXX, should be produced before the Court on 8<sup>th</sup> August, 2025 at 3.00 p.m.*

6. *List this Petition on 8<sup>th</sup> August, 2025 at 3.00 p.m.”*

2. After hearing the learned Advocates on 8<sup>th</sup> August, 2025, we had passed the following order:

*“1. The learned advocate Mr.Ishaan Kapse has caused appearance on behalf of Respondent Nos.1 and 2. He submits on instructions that the girl, with whom the Petitioner proposes to marry, has told Respondent No.1 (her father) and Respondent No.2 (her brother), that she does not desire to marry the Petitioner and she has already communicated this decision to him. Hence, the proposed marriage on 14<sup>th</sup> August, 2025 will not be solemnized.*

*2. The learned APP submits that the Police Officer of the concerned Police Station has spoken to the girl and there*

*is a voice recording of the discussion, which indicates that the girl has clearly indicated that she does not desire to marry the Petitioner.*

*3. In view of the above, we call upon Respondent Nos.1 and 2 to be present in Court along with the said Lady, on 12<sup>th</sup> August, 2025 at 3:00 p.m. This matter will be heard in Chambers.”*

3. Today at 3.00 pm, the concerned woman, who is around 27 years of age, interacted with us in our Chambers. She identified herself. We found her to be very clear in thoughts and expressions. She is an educated lady and was having the firm conviction of not proceeding to enter into a marriage with the present Petitioner. When we asked her whether she is under any pressure, she stated that she is not under anybody's pressure, she was not influenced by anybody, the Petitioner has also not threatened her and it is her decision not to proceed to have any relation with the Petitioner. She categorically stated that she does not desire to enter into a marriage with him. She desires to accompany her parents.

4. By this Petition, the Petitioner had invoked our jurisdiction under the Writ of *Habeas Corpus*. The said lady appeared before us along with her parents, in view of our earlier order. She communicated with both of us

individually. She was in a hale and hearty condition. She denied that she was being compelled to be with her parents or under any pressure from her parents to refuse to marry the Petitioner.

5. In so far as the name of the women appearing in paragraph 5 of the order dated 6<sup>th</sup> August, 2025, we direct the Registry to mask the said name in the said order which has been uploaded. This direction shall be carried out forthwith.

6. The learned Advocate for the Petitioner submits on instructions from the Petitioner, who is present in Court hall, that the Petitioner would no longer try to keep any relation with the said lady and he would not indulge in any such act which would cause an offence to her or defame her and create any uncomfortable situation for her in the public life.

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

[ GAUTAM A. ANKHAD, J.]

[RAVINDRA V. GHUGE, J.]