

Digitally signed by
HEMANT
CHANDERSEN SHIV
Date: 2025.11.20
10:20:09 +0300

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

CRIMINAL WRIT PETITION NO.5676 OF 2025

Sadiya Mohammed Talha Nomani ... Petitioner
V/s.
Talha Nomani & Ors. ... Respondents

Ms. Shabana Mashkoo Ali Syed for the Petitioner.
Ms. Sangeeta D. Shinde APP for the Respondent-State.
Ms. Tahera Qureshi for Respondent No.2.

**CORAM : BHARATI DANGRE &
SHYAM C. CHANDAK, JJ.**

DATE : 19th NOVEMBER, 2025

PC:-

1) As directed by the order dated 10th November, 2025 we have before us the affidavit filed by Respondent No.2, the biological father of the two girls aged 17 years 11 months and 13 years respectively.

The affidavit is taken on record. Without going into the rival contentions placed before us during the hearing of Writ Petition, we can only note that a Khulanama was executed between the Petitioner and Respondent No.2 thereby dissolving the Nikah performed in December 2005.

The Khulanama dated 26th November, 2018 categorically record that the signatories therein have mutually agreed that both the daughters shall remain in the custody of the father-Sameer, who shall be

responsible for their maintenance and upbringing.

It is pleaded by Respondent No.2 in the affidavit that after the Petitioner left for Bangkok, he took care of the two daughters and they are in his custody but since there was disruption in their studies they are admitted in Madrsa-E-Ayesha at Neral in May 2025 so as to avoid the loss of academic session.

It is also pleaded by Respondent No.2 that the Petitioner visited the Madrsa but the girls refused to talk to her.

2) Since there is a consensus arrived between the parties in the Khulanama that the custody of the girls would remain with the father, we, no way disturb the said position. However, if the mother is keen and desirous of meeting the daughters, we permit her to visit the Madrsa at Neral and establish contact with them as long as they are in the Madrsa. However, even thereafter, as a mother she definitely can avail access of her daughters and we expect that Respondent No.2 shall have no objection in that regard.

3) In the wake of aforesaid, we deem it appropriate to dispose of the Writ Petition.

(SHYAM C. CHANDAK, J.)

(BHARATI DANGRE, J.)