



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 22 OF 2025

(Ashwini Ashish Indoliya Vs. The State of Maharashtra & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. S.M. Vaishnav, Counsel for the petitioner.
Ms R.V. Sharma, A.P.P for respondent nos. 1 to 3/State.
Mr. G.S. Khond, Counsel for respondent no.4.

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CORAM : ANIL L. PANSARE AND
M.M. NERLIKAR, JJ.
JULY 28, 2025

Heard for some time.

2] The argument is that the custody of one of the child, viz., Vedansh with respondent no.4 – husband is illegal. The argument is based mainly on the ground that the son is aged two years and six months.

3] According to the petitioner - wife, she was driven out of the matrimonial house along with another child, who was one year and four months old.

4] The learned Counsel for the petitioner submits that because of subsequent developments, the petitioner and respondent no.4 are now residing together along with their children.

5] The grievance of the petitioner is that respondent no.4 is forcing her to leave the house without children.

6] If that be so, we find it difficult to entertain this petition, wherein the petitioner is seeking declaration

that the custody of one of the child, viz., Vedansh with respondent no.4 is illegal.

7] Further, since the petitioner and respondent no.4 are residing together along with their children, the petition for habeas corpus, according to us, is not maintainable.

8] Accordingly, the petition is dismissed.

(JUDGE)

(JUDGE)

Sumit