



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 321/2024

Sau. Dipika Pankaj Bhagat .Vs. State of Maharashtra and Ors.

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

Court's or Judge's orders

Mr. D. V. Mahajan, Advocate for petitioner.
Mr. A. Badar, A.P.P. for respondent Nos. 1 to 3.
Mr. A. R. Wagh, Advocate for respondent No.4.

CORAM : ANIL L. PANSARE AND
SIDDHESHWAR S. THOMBRE, JJ.

DATE : SEPTEMBER 4, 2025

Heard for some time.

2. Petitioner – mother has come up with a case that custody of her minor son has been taken by respondent No.4 – husband from the school. According to petitioner, such act amounts to illegal detention.

3. On the other hand, learned counsel for respondent No.4 submits that he had been to school to routinely meet the child, who started crying and made request to take him with respondent No.4 and is willingly residing with him. The counsel further submits that the child is still pursuing education in the same school but has sincere desire to reside with respondent No.4. The child is 9 years old and can well understand the treatment given by both the parents.

4. Thus, there are contradictory versions, which usually happens in the disputes where the husband and wife gets indulged into matrimonial disputes. The question is, whether the custody taken by father can be said to be an illegal custody and/or illegal detention?

5. Learned counsel for petitioner shall take instructions and make submission.
6. The parties shall go through the judgment in the case of *Nirmala Vs. Kulwant Singh and Ors. [Supreme Court Criminal Appeal No.2194/2022]* particularly paragraphs 12 and 13 thereof.
7. List in the week commencing from 15.09.2025.

(Siddheshwar S. Thombre, J.)

(Anil L. Pansare, J.)