



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

CRIMINAL WRIT PETITION NO.987 OF 2025

[Shekh Musa S/o Shekh Mubarak Shekh Saheblal and Another .vs. State of
Maharashtra and Others]

Office Notes, Office Memoranda
of Coram, Appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Ms R. V. Palaspagar, Advocate for Petitioners.
Mr A. B. Badar, Addl. P. P. for Respondents/State.

CORAM: ANIL L. PANSARE AND RAJ D. WAKODE, JJ.

DATE : 11-12-2025.

. The learned Additional Public Prosecutor submits that the allegation against respondent Nos.1 and 2 appears to be allegation in person. The allegation is that respondent Nos.1 and 2 are threatening the petitioners of putting them behind bars.

2. We find this allegation to be quite vague. We have, accordingly, gone through the record to find that there is a dispute pending between the petitioners and respondent No.3. In fact, respondent No.3 has filed a complaint under the provisions of the Protection of Women from Domestic Violence Act, 2005, registered as PWDVA Case No.10 of 2025, before the learned Judicial Magistrate First Class, 2nd Court, Mehkar. It further appears that vide order dated 10th September 2025, the learned Magistrate granted interim custody of minor son namely Parvez in favour of respondent No.3. Despite such order, custody has not been handed over by the petitioners to respondent No.3.

3. The counsel for petitioners submits that the petitioners are ready and willing to hand over custody; however, respondent No.3 is not accepting the same and is instead seeking adjournments before the Family Court.

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4. We would like to verify the aforesaid statement. Accordingly, we request the learned Judicial Magistrate First Class, Mehkar, to file a report indicating; whether order dated 10th September 2025 passed by it has been complied with, and whether the petitioners have approached the Court with a request to facilitate handing over the custody of the child to respondent No.3 herein.

5. List the matter in the week commencing 5th January 2026.

6. In the meantime, the learned A.P.P. shall take instructions from respondent Nos.1 and 2 regarding the allegation made by the petitioners.

(JUDGE)

(JUDGE)

Tambe