

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

CRIMINAL WRIT PETITION NO. 6355 OF 2025

Syed Tasneem Begum D/o Niyamatulla
alias Mrs. Tasneem Peerpasha Huseni Inamdar ..Petitioner

Versus

Mrs. Abeda Inamdar & Ors. ..Respondents

Mr. Zaid A. Qureshi (through V.C.) for Petitioner.

Mr. Ravi Kadam, Sr. Advocate i/b. S.S.Bedekar for Respondent No.1.

Dr. Abhinav Chandrachud i/b. S.S.Bedekar for Respondent No.2.

Mr. Pralhad Paranjape a/w. Rahul Punjabi and Shweta More i/b. Rahul Punjabi for Respondent No.3.

Ms. Sharmila S. Kaushik, APP for State/Respondent No.9.

**CORAM : SARANG V. KOTWAL &
SANDESH D. PATIL, JJ.**

DATE : 13 MARCH 2026

PC :

1. This a petition for issuance of writ of *habeas corpus*. The Petitioner claims to be the second wife of the Petitioner No.2 Mr. Peerpasha Huseni Inamdar alias Dr. P. A. Inamdar. There are

various other prayers made in the petition; besides the directions for issuance of production of the Petitioner No.2 before this Court.

2. Learned counsel for the Petitioner invited our attention to the Exhibit-J i.e. the communication dated 14.08.2025 purportedly sent by the Petitioner No.2 to the Commissioner for Co-operation and Registrar of Co-operative Societies, Maharashtra State, Pune, 2nd floor, New Central Building, Ambedkar Wellesley Road, Pune. Learned counsel for the Petitioner submitted that the communication mentions that the Petitioner No.2 is under illegal confinement in his own house since January 2025 and he was subjected to forced administration of sedative medicines, and deprived of free movement, independent communication and legal advice. There are other allegations made in the communication. One submission made in that communication is for direction to inform the police authorities regarding his unlawful confinement.

3. Learned Senior counsel Shri. Ravi Kadam appears today before us for the Respondent No.1 i.e. the first wife of the Petitioner No.2. Dr. Abhinav Chandrachud appears for the

Respondent No.2 who is elder son of the Petitioner No.2. They strongly opposed grant of any relief/interim relief at this stage. Dr. Chandrachud relied on the observation of the Hon'ble Supreme Court in the case of *Mohd. Ikram Hussain Versus State of Uttar Pradesh and others*¹, and in particular, the observations made in paragraph-15; wherein, it was observed that a writ of habeas corpus at the instance of a man to obtain possession of a woman alleged to be his wife does not issue as a matter of course. Though, a writ of right, it is not a writ of course especially when a man seeks the assistance of the Court to regain the custody of a woman. Before a Court accedes to this request, it must satisfy itself at least prima facie that the person claiming the writ is in fact the husband and further whether valid marriage between him and the woman could at all have taken place.

At the outset, we make it clear that we are not deciding the issue of custody of the Petitioner No.2, at this stage. Today, we are not deciding whether the Petitioner No.1 is a lawfully wedded wife of the Petitioner No.2.

1 1963 SCC OnLine SC 17

4. Learned senior counsel Shri. Ravi Kadam submitted that the Petitioner No.1 is not the wife of the Petitioner No.2 and, therefore, she had no right to approach this Court asking for the relief which she has sought in this petition. The Court needs to record prima facie satisfaction of the marriage between the Petitioner No.1 and the Petitioner No.2. There is no existence of marriage as per Muslim Law, therefore, the Petitioner No.1 is a stranger. Therefore, the Court may not entertain this petition. He submitted that the Petitioner No.1's motive is malafide. She has filed this petition with an ulterior motive. The Petitioner No.1 herself had initiated the proceedings in the Labour Court even against the Petitioner No.2, in which, the Petitioner No.2 had filed his written statement on 18.01.2021. The Petitioner No.1 claims that she got married with the Petitioner No.2 on 24.01.2021. It is simply unbelievable that having this dispute, the Petitioner No.2 would immediately marry the Petitioner No.1 after submitting his written statement opposing the relief claimed by the Petitioner No.1 before the Labour Court. He further submitted that the Petitioner No.1 is a troublemaker and her motives are not

bonafide. He invited our attention to paragraphs-47 and 49 of the petition which refer to the election of the Mulsim Co-operative Bank Ltd. He submitted that the purpose of filing this petition is not bonafide. Ultimately, the Petitioner No.1 is creating hurdles in these elections.

We are informed by learned senior counsel Shri. Ravi Kadam that the Petitioner No.2 is residing with his wife i.e. the Respondent No.1. Shri. Kadam submitted that the Petitioner No.2 is not in a position to travel to Mumbai from Pune because of his old age and other medical ailments.

5. We have considered all these submissions. At this stage, we are not deciding the validity of the marriage of the Petitioner No.1. We are more concerned about the safety of the Petitioner No.2. As mentioned earlier, learned counsel for the Petitioners had referred to the letter dated 14.08.2025. We want to ensure that the Petitioner No.2 is safe and he is residing with his wife out of his free will and without any coercion. In this view of the matter, we pass the following order.

O R D E R

- i) Issue Notice to the Respondents, returnable on 01.04.2026.
- ii) The Police Officer attached to Samarth Nagar police station in Nana Peth, Pune, shall visit the house of the Respondent No.1 and see the medical condition of the Petitioner No.2.
- iii) The Police Officer shall also collect the medical papers from the Doctors who are treating the Petitioner No.2, and submit a report before this Court on the next date.
- iv) Stand over to 01.04.2026.

(SANDESH D. PATIL, J.)

(SARANG V. KOTWAL, J.)