

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

WRIT PETITION NO.2216 OF 2026

Digambar Shivaji Patil

.... Petitioner

versus

The State of Maharashtra & Ors.

.... Respondents

.....

- Mr. Vighneswar Subramanian i/b. Mr. Prakash Salsingikar a/w Mr. Omkar Patil a/w Mr. Himanshu Mane, Advocate for Petitioner.
- Ms. Mahalakshmi Ganapathy, Addl. PP for the State/Respondent.
- Ms. Mahima Sharma a/w Maheshkumar Sharma, Advocate for Respondent Nos.4 to 6.

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

**DATE : 04th MAY, 2026
(IN CHAMBERS)**

P.C. :

1. This Writ Petition is filed for issuance of Writ of Habeas Corpus. This is the case of Petitioner that he got married with 'N' on 16/12/2025 before the Marriage Officer, Thane, under the Special Marriage Act. The Petitioner has annexed a copy of the certificate of marriage at Ex.A. He has also annexed a copy of the photograph, in which both of them are seen with garlands and sweets. It is the case of Petitioner that both of them had

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decided to stay in their respective houses with their family. They had decided to keep this information from their families for the time being and when the situation was better, then they were to inform the family members. However, since 04/02/2026, there was no communication between the Petitioner and the said 'N'. The Petitioner was apprehending that she was kept in confinement and was not allowed to communicate with him. Therefore, this Petition is filed.

2. On the last occasion, i.e. on 30/04/2026, we had issued notice to the Respondents and we had directed the police officers to produce 'N' before us in the Chambers. Accordingly, she is brought to our Chambers.
3. Learned counsel Ms. Mahima Sharma represents Respondent Nos.4 to 6 who are mother and other relatives of 'N'.
4. We interviewed 'N' in our Chambers in the presence of learned Additional P. P. Ms. Ganapathy, 'N' categorically told us that she did not want to reside with the Petitioner. She was forced to marry him as according to her he had threatened that

he would cause harm to 'N's brothers. She further stated before us that she is sure that she did not want to go with the Petitioner and she was willingly staying with her mother and brothers. She informed the Court that she is about 26 years of age. To give fair opportunity to the Petitioner we had permitted him to have conversation with 'N' but she did not want to talk with him at all.

5. In this situation, since 'N' is an adult and she is free to take her decision, no order can be passed in favour of the Petitioner. In this case, Writ of Habeas Corpus cannot be issued. The Petition is accordingly dismissed.
6. The Petitioner is at liberty to take any other recourse available to him in accordance with law.
7. We make it clear that we have not made any observations or comments regarding validity of the marriage.
8. The Petition is accordingly disposed of.

(SANDESH D. PATIL, J.)

(SARANG V. KOTWAL, J.)