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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

942 CRIMINAL WRIT PETITION NO.165 OF 2021

CHANDRASHEKHAR DNYANESHWAR CHAVAN
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...
Mr M. S. Karad, Advocate h/f Mr S. S. Thombre, Advocate for
petitioner;

Mr S. G. Sangle, A.P.P. for respondent Nos.1 to 4;

Mr S. D. Munde, Advocate for respondent No.5

**CORAM : RAVINDRA V. GHUGE
AND
B. U. DEBADWAR, JJ.**

DATE : 31st March, 2021

PER COURT:

1. This petition is filed by the petitioner invoking the writ of Habeas Corpus. He has alleged that his daughter has run away with respondent No.5, on 20/12/2020 at 12.00 noon. He has filed a Missing Person Case No. 0038 of 2020 on 21/12/2020. This petition was filed on 01/02/2021.

2. On 16/03/2021, we had passed the following order :-

“1. We have heard the learned Prosecutor, who informs us, on the basis of the record placed before him by the I.O., that the missing girl was undisputedly an adult and the missing boy is said to be born on 29.04.2000. He is prima facie, less than 21 years of age. The father of the boy resides in Karnataka and has filed a police complaint before the concerned Police Station alleging that he himself (father of the boy-respondent no.5) has been kidnapped by the petitioner.

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2. *From the record, we find that this case involves a love angle, on which the petitioner is non-committal.*

3. *We are of the view that the District Superintendent of Police, Beed needs to look into this matter personally as the petitioner voices an apprehension that his daughter is not safe and needs to be produced alive.*

4. *We are therefore posting this matter on 19th March, 2021 at 2.30 p.m. and we expect the District Superintendent of Police Beed to monitor the investigation so as to produce the missing girl before us.*

5. *Parties to act on the uploaded copy of this order.”*

3. On 19/03/2021, we considered the submissions of the learned Prosecutor and we passed the following order :-

1. *The learned Prosecutor submits that, pursuant to our order dated 16.03.2021, the District Superintendent of Police, Beed has formulated a team comprising of two Police Officers to be monitored by the Additional Superintendent of Police. The said team has already proceeded to Bangalore, since the father of the boy is a resident of Bangalore. He prays for time till 31st March, 2021 to submit a progress report.*

2. *The learned Advocate for the petitioner submits that, as appropriate steps are being taken by the Police Authorities and since the petitioners have faith and confidence in the Police Department, this matter be taken on 31st March, 2021 at 2.30 p.m.*

3. *As such, stand over to 31.03.2021 at 2.30 p.m.*

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4. *The learned Prosecutor would ensure that a progress report is placed before us. If required, the Police Authorities would also take the assistance of the petitioner in their endeavour to search out his daughter.*

5. *Needless to state, in the event, the missing girl is traced out prior to the next date, the petitioner/State of Maharashtra, are at liberty to mention this matter for urgent orders.”*

4. Today, the missing girl, Maithili Chandrashekhar Chavan, has appeared before the Court, suo moto. She has produced her Aadhar Card bearing No.911721922719 in order to establish her identity. We have perused the said card, noted the number as above and we have returned the same to her in the open Court. The photostat copy of the said card has been collected by the Investigating Officer and which is a part of the police record available with the learned Prosecutor.

5. The Assistant Sub-Inspector Shri. Sonerao Kondiba Bodkhe is also present in the Court.

6. In the presence of the learned Advocate for the petitioner, the learned Prosecutor and in the open Court, we have asked certain questions to the missing girl and she has offered answers as under :-

- a) *Her date of birth is 30/09/2002.*
- b) *Today, she is 18 years and six months old.*
- c) *She is in love with respondent No.5, who is born*

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on 29/04/2000.

- d) *Presently, both are living together as both are adults.*
- e) *They have planned to get married after respondent No.5 attains the marriageable age of 21 years, on 29/04/2021.*

7. She then requested that her present place of residence may not be recorded in the order, as she seriously apprehends that her father, the petitioner, is likely to track them down and cause physical harm to her, as he is furious on account of she having eloped with respondent No.5. She further stated that her father had also assaulted the father of respondent No.5, blaming him for his son (respondent No.5) having eloped with the daughter of the petitioner. She then has sought protection as she seriously apprehends that the petitioner would cause physical harm to her as well as respondent No.5 and his parents.

8. The learned Advocate, holding for Shri. Thombre, on behalf of the petitioner submits on instructions that the petitioner desires to talk to his daughter. After this statement was made, we once again asked his daughter in the open Court, as to whether she desires to meet her father and she has offered the following answers :-

- a) *I do not wish to meet my father or talk to him.*
- b) *I should not be forced to meet him or my mother.*
- c) *I do not desire to return to the home of my parents.*

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- d) *I should not be forced to return to Morewadi, Tq. Ambejogai.*
- e) *I am accompanied by respondent No.5, who is not present in the Court Hall, but is standing away from the Court at a distance.*
- f) *I will accompany him to the place from where we both travelled voluntarily to this Court, today.*

9. On being questioned, the daughter of the petitioner has informed us that after she left her home voluntarily with respondent No.5 on 21/12/2020, till today, she has not suffered any physical harm or physical abuse or tormentation. She has been happily living with respondent No.5 and they plan to get married the moment, he becomes 21 years of age.

10. The learned Prosecutor submits that the role of the police has concluded since the missing person is before the Court. Though the missing girl has asked for protection for a longer duration, it is left to the Court to pass an appropriate order. He would suggest that the Assistant Sub-Inspector present in this Court today would, at best, accompany the missing girl and respondent No.5 in view of their apprehension and would ensure that they safely board a bus to travel to a place of their choice.

11. The learned Advocate for the petitioner was called upon to respond to the apprehension voiced by his daughter. He submits that

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the petitioner or his relatives will not cause any physical harm to his daughter or to respondent No.5 or to the parents of respondent No.5.

12. Having recorded the statement, we deem it appropriate to note that, if the missing girl or respondent No.5 suffer any physical harm and if they allege that the petitioner has caused the said harm, the petitioner would then be liable for action, in accordance with law. We are making this observation in view of the offence registered by the father of respondent No.5 in Crime No.3/2021, with the Ambejogai Police Station (Rural), punishable under Sections 365, 342, 343, 324, 323, 506, 143, 147, 148 and 149 of the Indian Penal Code. Needless to state we expect the father of respondent No.5, namely, Bhagwan Sonnar, to show restraint and reciprocate by not committing any offence against the petitioner.

13. Since the missing girl is an adult and respondent No.5 is also an adult, though not of a marriageable age, we have no reason to detain the missing girl, considering the specific replies given by her, as recorded herein above.

14. With the above observations/directions, this petition is disposed off.

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(B. U. DEBADWAR, J.)

(RAVINDRA V. GHUGE, J.)

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