



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

***CRIMINAL WRIT PETITION (STAMP) NO.9057 OF 2023***

ABC

...Petitioner

Versus

State of Maharashtra and Ors.

...Respondents

Ms. Anubha Rastogi i/b Ms. Rachita Padwal, for the Petitioner.

Ms. P. P. Shinde, A.P.P for the Respondent – State.

Petitioner is present.

ABC's father, Respondent No.3, is present.

ABC's mother, Respondent No.4, is present.

PSI – M. B. Dhumal, Bhoiwada Police Station, Mumbai, is present.

***CORAM : REVATI MOHITE DERE &  
GAURI GODSE, JJ.***

***DATE : 13<sup>th</sup> JUNE 2023  
(IN CHAMBERS)***

***P.C. :***

1. At the outset, learned counsel for the petitioner seeks leave to amend to mask the name of the petitioner, and replace it with an alphabet. Leave granted. Amendment to be carried out forthwith.

2. By this petition, the petitioner has sought the following substantive reliefs:-

- “ a. *That this Hon’ble Court be pleased to issue a writ of mandamus or any other appropriate writ, order or direction in the nature of mandamus directing the Respondent No. 1 and 2 to provide assistance as and when sought by the Petitioner in the event that the Respondent Nos.3 and 4 continue to harass and torture the Petitioner;*
- b. *That this Hon’ble Court be pleased to issue a writ of mandamus or any other appropriate writ, order or direction in the nature of mandamus directing the Respondent Nos 1 and 2 to ensure that the Respondent Nos 3 and 4 return the documents and belongings of the Petitioner as specified in para 4(dd) of the present petition;*
- c. *That this Hon’ble Court be pleased to issue a writ of mandamus or any other appropriate writ, order or direction in the nature of mandamus directing the Respondent No. 1 and 2 to provide protection and necessary assistance to the Petitioner and/or the employees of the Urja Trust, as and when sought in reference to the Respondent Nos 3 & 4 returning the belongings of the Petitioner and in any other context, in reference to the present petition;*
- d. *Pending hearing and final disposal, this Hon’ble Court be pleased to direct the Respondents to;*

  - i. *provide the Petitioner with appropriate Police Protection and assistance as and when sought in this context and*

- ii. *to ensure that the belongings of the Petitioner are returned to him by the Respondent Nos 3 & 4 through the Respondent Nos 1 and 2 so that the Petitioner can continue his education.”*

3. According to the petitioner, although by birth she is a female, she identifies herself as a transgender man. The petitioner has alleged that he did not disclosed his identity fearing non-acceptance by his family. It is further alleged by the petitioner that when his parents learnt about his sexual identity, they started harassing and threatening, as a result of which, he was constrained to leave his residence and move to a Shelter Home. As the petitioner was keen in pursuing his education and as he apprehended harm to himself, he filed the aforesaid petition seeking the reliefs as stated aforesaid.

4. The matter was kept today in *Chambers*. The petitioner and his parents i.e. respondent Nos.3 and 4 are present in *Chambers*. The petitioner states that his parents have accepted his sexual identity and that he is now residing with them for the last 20 days. The petitioner's parents i.e. respondent Nos.3 and 4 are present. They

state that they have accepted the sexual identity of the petitioner and as such state that they will shower the petitioner, their child with love and affection and will support him in every way, by giving emotional, mental and physical support, as well as any other support, including supporting the petitioner educational pursuits.

5. Considering the aforesaid i.e. the fact that the petitioner has been accepted by his parents and that he is living with his parents for the last 20 days, learned counsel for the petitioner does not press this petition and seeks leave to withdraw the same. She, however, states that liberty be granted to the petitioner to approach the respondent No.1 - State of Maharashtra through Bhoiwada Police Station, Mumbai and respondent No.2 – Department of Social Justice and Special Assistance, if an occasion so arises in future, so as to enable the respondent Nos.1 and 2 to provide necessary protection and necessary assistance to the petitioner.

6. Petition is accordingly disposed of as withdrawn with liberty as prayed.

7. It is always open for the members of the Shelter Home to visit the petitioner, as and when required.

. All concerned to act on the authenticated copy of this order.

*GAURI GODSE, J.*

*REVATI MOHITE DERE, J.*