

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (HABEAS CORPUS) NO. 5467 of
2025**

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Versus
STATE OF GUJARAT & ORS.

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Appearance:

MR AKSHAY V MATANI(11363) for the Applicant(s) No. 1
MR RAJ H JOBANPUTRA(10779) for the Applicant(s) No. 1
MR. JAINAM D SHAH(17676) for the Applicant(s) No. 1
DS AFF.NOT FILED (N) for the Respondent(s) No. 3,4,5
MR LB DABHI, APP for the Respondent(s) No. 1
RULE SERVED BY DS for the Respondent(s) No. 2

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CORAM: HONOURABLE MR. JUSTICE A.Y. KOGJE
and
HONOURABLE MR. JUSTICE SAMIR J. DAVE

Date : 24/04/2025

ORAL ORDER
(PER : HONOURABLE MR. JUSTICE A.Y. KOGJE)

1. This petition is filed for following reliefs:
 - A. Your Lordships may be pleased to admit and allow the present petition.
 - B. Your Lordships may further be pleased to issue a writ of Habeas corpus or any other appropriate writ, order or direction directing the respondent no.4 to forthwith produce and restore the custody of respondent no.5,  herein before this Hon'ble Court who are wrongfully confined by the respondent no.4, further be pleased to set her free and permit them to accompany the present applicant.
 - C. Your Lordships may further be pleased to direct the respondent no.2 and 3 to locate the corpus and to present her before this Hon'ble court in case the respondent no.4 does not

present the corpus before this Hon'ble court.

D. Your Lordships may further be pleased to issued appropriate directions to the respondent no.4 to cease all malicious actions and cooperate the facilitating a meaningful relationship between the present applicant and his wife.

2. This court had issued Rule under order dated 15.04.2025, and thereafter, when the matter was listed on 17th April 2025, the report with regards to the steps taken by the Vadaj Police Station to trace out the corpus was produced and matter was listed on 02.05.2025. However, in the interregnum period, the corpus was traced out by the respondent no.2, and therefore, was to be brought to the court and hence, learned APP mentioned before the court for taking up the matter urgently.

3. Learned advocate Mr. Vanrajsinh Damor appears for and on behalf of the respondent no.4 and 5. The respondent no.4 himself is also present belongs to Dungarpur at Rajasthan.

4. The court interviewed the corpus, the petitioner as well as family members of both the sides, who are present in the court.

5. It appears that the corpus is willingly residing with her parents. She has admitted that the marriage is solemnized and has been registered under the Registration Certificate dated

25.02.2025 at Ward of Dariyapur, Ahmedabad Municipal Corporation.

6. However, there are differences between the two family members of the petitioner and corpus, though the petitioner and corpus are ready and willing to reside together as husband and wife. One of the point of difference is that the desire of the corpus and her family to comply with the rituals, which includes the arrival of petitioner as a groom at their native, performing the rituals in the native of the corpus and thereafter, bring her back to her matrimonial home at Ahmedabad. The native of corpus is village Nandaliahara, Dungarpur. However, the family of the petitioner is apprehensive about their safety and security, and therefore, are not willing to go to the native of the corpus for the rituals.

7. At this learned advocate appearing for the respondent no.4-father of the corpus states that the respondent no.4 is ready and willing to give an undertaking before this court that as and when the petitioner and his family members decide to visit the native of the corpus, they would welcome them with open hands and will also ensure the safety and security during their stay and performance of rituals till they come back to their matrimonial home at Ahmedabad.

8. In view of the aforesaid undertaking provided by the

respondent no.4 with regards to the safety and security of the petitioner and his family members while their stay in Rajasthan, the present matter stands disposed of by recording that the corpus is not in any illegal confinement with her parents at Rajasthan and both the sides are ready and willing to accept the petitioner and the corpus as legally wedded husband and wife.

9. An undertaking to be filed on or before 25th April 2025.

10. With the aforesaid, present petition stands disposed of.
Rule is made absolute to the aforesaid extent.

(A.Y. KOGJE, J)

(SAMIR J. DAVE,J)

K. S. DARJI