

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CRIMINAL APPLICATION (HABEAS CORPUS) NO. 3543 of 2024

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SARVAIYA RAJUBHAI BACHUBHAI
Versus
STATE OF GUJARAT & ORS.

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Appearance:

MR RATHIN P RAVAL(5013) for the Applicant(s) No. 1
PAULOMEE M MEHTA(8313) for the Applicant(s) No. 1
DS AFF.NOT FILED (N) for the Respondent(s) No. 3
NOTICE SERVED for the Respondent(s) No. 2,6
NOTICE SERVED TO CONCERNED POLICE STATION for the Respondent(s) No. 4,5
MR JK SHAH ADDITIONAL PUBLIC PROSECUTOR for the Respondent(s) No. 1

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***CORAM:HONOURABLE MR. JUSTICE BIREN VAISHNAV
and
HONOURABLE MR. JUSTICE PRANAV TRIVEDI***

Date : 08/04/2024

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE BIREN VAISHNAV)

Heard Mr. Rathin Raval, learned advocate appearing for the applicant and Mr. J.K. Shah, learned Additional Public Prosecutor for the respondent – State.

The order dated 26.03.2024 reads as under :-

“Leave to add Police Inspector, Khambha Police Station, District Amreli as party respondent no.6.

The petitioner before the court claims to be a live in partner of the corpus, who is a major namely Hanshaba Jitendra Vala. Being major and married to another person, but on account of matrimonial discord, she was residing with her parents and later on entered into live in relationship agreement with the petitioner.

Subsequently, the parents of the corpus and husband of the corpus took the corpus away and in this connection, an FIR has

been registered with Khambha Police Station, District :Amreli, but till date, the whereabouts of the corpus is not known and the petitioner has received the messages from the corpus that she is being illegally confirmed.

Notice returnable on 9th April 2024. Learned APP waives service of notice for and on behalf of the respondent no.1.

Direct service is permitted to the respondent no.2 to 6.

Respondents No. 4 and 5 to be served through the respondent no.2.

On returnable date, corpus to be kept present before the court."

Accordingly, we have ascertained the wish of Harshaba. She has expressed her desire to be in company of the petitioner.

As recorded in the order she being major, she is free to choose her own course as she deems to take.

Accordingly, having ascertained wishes of Harshaba she is free to go wherever she desires. The petition is accordingly, disposed of.

At this stage, learned Additional Public Prosecutor has requested to provide the police protection till the corpus reaches the place where she is residing at present.

(BIREN VAISHNAV, J)

(PRANAV TRIVEDI, J)

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