

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**R/SPECIAL CRIMINAL APPLICATION NO. 3512 of 2020**

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**RAJESH SADANAND PANDEY**

**Versus**

**STATE OF GUJARAT**

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Appearance:

MR ADIL R MIRZA(2488) for the Applicant(s) No. 1

NOTICE NOT RECD BACK(3) for the Respondent(s) No. 2,3

PUBLIC PROSECUTOR(2) for the Respondent(s) No. 1

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**CORAM:HONOURABLE MS. JUSTICE SONIA GOKANI**

**and**

**HONOURABLE MR. JUSTICE N.V.ANJARIA**

**Date : 23/09/2020**

**ORAL ORDER**

**(PER : HONOURABLE MS. JUSTICE SONIA GOKANI)**

1. This Court, at the time of issuance of notice on 20.08.2020 passed the following order:-

“This petition is preferred under Article 226 of the Constitution of India for issuance of writ of habeas corpus or any other appropriate writ, as the daughter of the petitioner is missing from 09.01.2020. The police has also not lodged the First Information Report, as she is 18 years and 01 month old. Grievance on the part of the petitioner is that no whereabouts could be known of the daughter. She attempted to call once from Mumbai and that too not from an unknown number and nothing has been conveyed to the petitioner.

2. Issue notice returnable on 02.09.2020. Mr. Hardik Soni, waives service of notice for and on behalf of respondent- State. Let the corpus be brought before this Court. Attempt shall also be made to contact the corpus from the contact number from which the applicant was contacted at one point of time. The action taken report shall be brought

before this Court and private respondents shall be served through respondent No.2.”

2. Attempts were made by the police authority to trace and girl and, now, finally today she is brought before this Court and is presented through the video conferencing arranged at District Court, Vapi in presence of Mr. Mahesh Bajpai, Learned Additional District Judge and Mr.Singh, 3<sup>rd</sup> Additional Sessions Judge.

3. We had conversed with the corpus, who is already married to respondent No.3. She was already 18 years of age, when she chose to join respondent No.3. According to her, she is married to him. Marriage certificate is brought on record. As per her version, she was very scared of her parents, as she is married in a different caste and, therefore, she chose not to reveal her departure to the parents, nor she had intimated her parents after leaving her parental home. She is unwilling to join her parents and insisted to be with respondent No.3. Respondent No.3 has ensured to take good care of the corpus. He was earning his livelihood at Vapi, however, he has stopped work at Vapi so as to

go back to the State of Uttar Pradesh, as he feels unsafe to continue at Vapi.

4. Mr. Mirza, learned advocate for the applicant, has made a request to this Court to allow the parents to meet the girl.

5. We had requested Mr. Singh and Mr. Bajpai, learned Additional District and Sessions Judges to ensure that the meeting between the parties is conducted in cordial atmosphere. It is reported to this Court that meeting though went on cordially, there is no chance of any compromise. It appears that the brother of corpus is also missing for the past more than 02 months. Parents apprehend killing of him at the hands of respondent No.3. We wonder as to how they arrived at such a conclusion, when in fact, there is not even a complaint to the police till date. It is although not an issue, which needs to be dealt with by this Court, suffice to note that issue of caste looms large over the human relationship with strong biases and conditionings.

6. Noticing the fervorance, learned Additional District

Judge also requested this Court that it will be befitting to grant protection to the young couple. Since the couple is desirous to go to the State of Uttar Pradesh and not to continue at Vapi, the Superintendent of Police, Valsad shall make an arrangement for them to be escorted till Prayagraj in the State of Uttar Pradesh. If necessary, he shall also communicate to his counterpart in the State of Uttar Pradesh so that the protection can be made available to the couple there also. The corpus not being in illegal custody any longer and having married to the person of her choice, who incidentally is not from her own caste, there does not appear to be any reason for this Court to entertain this petition any further which is preferred by the parents by making a request for writ of habeas corpus.

7. This court appreciates the able assistance rendered by learned Additional District & Sessions Judges Mr. Singh and Mr. Bajpai both in the process of mediation when emotions are running so high.

8. Mr. Mirza, learned advocate for the applicant, as an officer of the Court, shall ensure and he shall also

convey very firmly the order and directions issued by this Court to the petitioner, who shall attempt to take the law in the hands, for his grievance, recourse to the law can be resorted to. If done directly or indirectly, serious consequences shall be visited.

9. In view of the aforementioned background, this petition stands disposed of.

**(MS. SONIA GOKANI, J. )**

**(N.V.ANJARIA, J.)**

MISHRA AMIT V./sudhir