

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 202 OF 2015
WITH APPLN/251/2015

VITHAL S/O DEORAM PANGAVHANE
VERSUS
NAWAJ @ SHAIKH NAWAJ S/O AHMED SHAIKH @ SHAIKH FAYYAZ AND OTHERS

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Advocate for Petitioner : Mr. D.M. Shinde, Advocate h/f Mr. T.V. Waghmare.
APP for Respondent Nos. 4 to 6 : Mr. S.D. Kaldate.
Advocate for Petitioner in Cri.Appln No.251/2015 : Mr. N.S. Ghanekar.

CORAM : S.S. SHINDE & A.M. BADAR, JJ.
DATE : 26th FEBRUARY, 2015.

PER COURT:

1] Heard Shri Shinde, the learned counsel for the petitioner and the APP appearing for respondent Nos. 4 to 6.

2] By this petition for Habeas Corpus, petitioner Vitthal Deoram Pangavhane, father of Priyanka Vithhal Pangavhane, is praying for directing the respondents to produce Priyanka Pangavhane before this court. The petitioner contended that on 17.12.2014, Priyanka left the house for college and did not return home. He received a phone call from her and he sensed that his daughter Priyanka was under threat and she was required to proceed with respondent No.1 Nawaj to Nasik. Subsequently, he could not contact his daughter Priyanka as her cell phone was switched off. According to petitioner, respondent No.2 Shahid is harbouring respondent No.1 Nawaj and providing finance in order to facilitate alluring and eloping minor Priyanka. Respondent No.1 Nawaj is a married person. The petitioner had been to

Police Station, Shrirampur and lodged FIR which resulted in registration of offence under Section 363 of IPC against respondent No.1 Nawaj. According to petitioner, there was some audio recording of phone call between him and respondent Nos. 2 and 3 regarding abduction of Priyanka. According to petitioner, Police Authorities have not conducted investigation in proper manner and, therefore, the present writ petition.

3] During pendency of this petition, respondent No.1 Nawaj Shaikh alongwith allegedly abducted girl Priyanka Vitthal Pangavhane preferred criminal application No. 251 of 2015 with a prayer that the FIR bearing Crime No. I-328 of 2014, registered with Shrirampur Police Station, against respondent No.1 Nawaj for the offence under Section 363 of IPC, should be quashed and set aside. That matter is also on board but Shri Shinde, learned counsel for respondent No.2 Vitthal Pangavhane has sought an adjournment. The learned APP pointed out that the petitioners in the said Criminal Application No. 251 of 2015 are present before the court alongwith their learned Counsel, Shri Ghanekar Advocate.

4] Respondent No.1 Nawaj alongwith Priyanka Pangavhan are present before the Court as Criminal Application No. 251 of 2015 filed by them is fixed for hearing today. Priyanka Vitthal Pangavhane appeared before this court while this Criminal Writ Petition is taken up for hearing. She is duly identified by her learned counsel Shri Ghanekar. This Court made inquiry from Miss Priyanka Vitthal Pangavhane and she submitted that out of

her free will and without there being any coercion, undue influence on her, she has married Respondent No.1 Nawaj S/o. Ahmed Shaikh @ Shaikh Fayyaz who was studying in her college and she is now residing with him. She stated that she is a woman having attained majority.

5] As the missing girl-Priyanka has appeared before the Court and submitted that now, she has married respondent No.1 and she being an adult was competent to do so, we find no substance in the present writ petition. Imposing any further restriction on Priyanka Pangavhane would amount to violation of her fundamental right to life and personal liberty enshrined under Article 21 of the Constitution of India. Hence, the writ petition is disposed of with no orders as to costs.

[A.M. BADAR]
JUDGE

[S.S. SHINDE]
JUDGE.

grt/-