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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELATE JURISDICTION
WRIT PETITION NO.1385 OF 2016

Gautam Ganpat Gaikwad ...Petitioner
vs.
State of Maharashtra & Ors. ...Respondents

Mr.Vivek Salunke for the Petitioner
Ms M.H.Mhatre, APP for the respondent Nos.1 to 3.

CORAM : A.S.OKA, &
P.D.NAIK, JJ.
DATE : APRIL 22, 2016

P.C.:

. Not on board. Taken on board.

1 As the regular Bench presided over by Hon'ble Shri Justice N.H.Patil is not available and another Bench presided over by Hon'ble Shri Justice S.S.Kemkar is also not available, as per the General Standing Order passed by the Hon'ble the Chief Justice, the writ petition was produced before this Court.

2 This petition for habeas corpus is filed by the father of one Karuna, whose date of birth is 16th January 1997. The allegation is that the said Karuna has been abducted. Therefore, a writ of habeas corpus is sought against the State of Maharashtra.

3 Today, the Police Officers attached to Kasarwadavali Police Station have produced the said Karuna Before the Court. The learned APP on

instructions states that the police found that the said Karuna is residing with one Nilesh Baliram Chavan in a room of Shri Ajay Jadhav at Sudarshan Nagar, Post Gaimukh Nagar, P.N.College, Taluka Pusad, District Yavatmal. The Police Officers attached to Kasarwadavali Police Station have recorded the statement of the said Karuna in which she has stated that she knew one Nilesh Baliram Chavan for last five years. Both of them decided to get married. In the statement, she had stated that on 12th January 2016 the marriage between her and the said Nilesh has been solemnised at Adarsh Vivahmandal, Tembhi Naka, Thane. However, she did not disclose the fact of marriage to her parents. When she realised that her parents have arranged her marriage with another person, she along with the said Nilesh went to Dadar Railway station and proceeded to village Etava, Taluka Pusad, District Yavatmal. They proceeded from Dadar station on 15th March 2016 and reached Pusad on 16th March 2016. With the help of a friend of Nilesh, they secured the aforesaid room. As they were not possessing any proof of marriage, they again performed marriage on 12th April 2016 at Jagat Mandir Satyanarayan Bhoot Charitable Trust, Yavatmal according to Hindu Vedic rites. A copy of the certificate issued by the said trust is produced for perusal of the Court.

4 The said Nilesh is also present in the Court. He assured the Court that he will take proper care of the said Karuna. He confirmed that he is married to the said Karuna as stated by the said Karuna. He

assures the Court to get the marriage registered in accordance with law. We talked the said Karuna who stated that she is willing to meet the petitioner who is her father. She stated that she has no objection if her parents meet her at her place of residence at Pusad.

5 The learned counsel for the petitioner stated that the petitioner has accepted in the petition itself that the date of birth of his daughter is 16th January 1997 and when she left her house, she was already a major. He states that the petitioner desires to meet his daughter.

6 From the statements made by the said Karuna and Nilesh it appears to us that they are claiming that they have got married on 12th January 2016 and 12th April 2016 and that they are residing together. As the said Karuna is admittedly major, no orders can be passed regarding her custody. However, she is willing to meet her father today.

7 In view of what is stated above, we need not keep the petition pending and the same is disposed of by passing the following order:

(I) The said Karuna along with the said Nilesh accompanied by the Officers of Kasarwadavali Police Station will immediately proceed to the said Police station. It will be open for the petitioner to meet his daughter at Kasarwadavali Police Station,

Thane today. The learned counsel for the petitioner states that the petitioner and his wife will remain present at Kasarvadavali Police Station today at around 8.00 p.m. We accept the said statement;

(ii) We direct that the petitioner and his wife be permitted to meet the said Karuna at Kasarwadvali Police Station in presence of the Police Officers;

(iii) After meeting the parents, the said Karuna and Nilesh will be permitted to leave police station. The said Nilesh and Karuna state that they will immediately proceed to Pusad, District Yavatmal;

(iv) The said Karuna agreed to supply her address of residence at Pusad, District Yavatmal to her parents. The said Nilesh who is present in the Court states that he will provide telephone number of his friend so that Karuna's parents can contact his friend on telephone for conveying necessary message to the said Karuna;

(v) The learned APP will place on record a photo copy of the documents of identity of the said Karuna and Nilesh as well as a photo copy of the documents evidencing their marriage;

(vii) Writ Petition is disposed of on
above terms.

(P.D.NAIK,J.)

(A.S.OKA,J.)