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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 4712 OF 2015

1. Bajinder Kumar s/o Puran Chand
Aged – 26 years, Occupation : service
Having address at Siddhi Vinayak Chawl,
Valmiki Nagar, Baman Wada,
M.C.Chagla Marg,
Vile Parle (East),
Mumbai – 400 099.
2. Pratap Rana s/o Shishu
Aged – 50 years, Occupation : service,
Having address at Siddhi Vinayak Chawl,
Valmiki Nagar, Baman Wada,
M.C.Chagla Marg,
Vile Parle (East),
Mumbai – 400 099. ...Petitioners

Versus

1. The State of Maharashtra
having office at Bombay High Court,
Mumbai.
2. The Commissioner of Police, Mumbai
Crawford Market, Mumbai.
3. The State of Haryana.
Through Addl. A.G. Haryana.
4. The Superintendent of Police, Panipat.
Panipat, the State of Haryana.

5. Mr.Rampal Panchal
Age – Adult.
6. Mrs.Sarojdevi Rampal Panchal
Age – Adult,
Both residing at Gaon-Dharamgadh,
Tahsil – Mathloda,
District – Panipat,
State of Haryana – 132 140. ...Respondents

Mr.Omsharan Tiwari i/b Mr.V.X. D'silva, for the Petitioners

Mr. H. J. Dedia, A.P.P for the Respondent-State

Ms.Vaishali Chaudhari, for Respondent No.6.

***CORAM : SMT.V.K.TAHILRAMANI &
REVATI MOHITE DERE, JJ.***

DATE : 2nd MARCH, 2017

ORAL JUDGMENT (Per Smt. V. K. Tahilramani, J.) :

1. Heard learned counsel for the petitioners, learned counsel for the respondent no.6 – Saroj Devi Panchal and Rakhi, who is present in person.

2. Rule. By consent of the parties, rule is made returnable forthwith and the matter is heard finally.

3. It is the case of the petitioners that petitioner no.1 was married to Rakhi on 1st November, 2014. Thereafter, petitioner no.1 and Rakhi underwent another marriage ceremony on 5th April, 2015. They resided together as husband and wife. Thereafter, since October 2015, Rakhi went missing. Hence, petitioner no.1 lodged a missing complaint. In the present petition, the petitioner no.1 has stated that the parents of Rakhi were not happy with the marriage as he did not belong to their caste and he apprehends that the parents of his wife - Rakhi have taken her away. Respondent No.6 - Saroj Devi is the mother of Rakhi.

4. Rakhi is present before us. She has produced her Aadhar Card. So also respondent no.6 - Saroj Devi has produced her Aadhar Card. Copies of which are taken on record and marked 'X' colly., for identification. The petitioner no.1 has also annexed photographs of his marriage and from the said photographs, it can be seen that Rakhi who is present before us, is the same person to whom reference is made by the petitioners. Rakhi states that she does not wish to reside with

the petitioner no.1 and that she is residing with her parents in the State of Haryana of her own accord. She states that there is no pressure or threat from her parents and she is residing with her parents voluntarily and with her full and free consent. She has specifically stated that she does not want to go back to petitioner no.1. The date of birth of Rakhi, as seen from the Aadhar Card is 8th March, 1992. Thus, it is seen that as of today, the age of Rakhi is 25 years.

5. Looking to the statement made by Rakhi before this Court, it cannot be said that it is a case of illegal detention. Hence, no writ of habeas corpus can be issued. Hence, we are not inclined to interfere and writ petition is rejected. Rule discharged.

6. It would be open to the petitioner no.1 to approach the appropriate forum for appropriate relief.

(REVATI MOHITE DERE, J.)

(V.K.TAHILRAMANI, J.)