

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3542 OF 2019

DR.ANKUR BIHARI

)...PETITIONER

V/s.

THE STATE OF MAHARASHTRA & ORS.

)...RESPONDENTS

Mr.Mihir Desai, Senior Advocate a/w. Mr.Mihir Joshi, Advocate for the Petitioner.

Mrs.S.V.Sonawane, APP for the Respondent – State.

Mr.Vijay Sanap, Police Sub-Inspector, Shantinagar Police Station, Bhiwandi, is present in court.

**CORAM : INDRAJIT MAHANTY &
A. M. BADAR, JJ.**

DATE : 18th JULY 2019

P.C. :

1 This petition of Habeas Corpus has come to be filed by the petitioner Dr.Ankur Bihari seeking production of Miss Nasreen Shaikh with whom the petitioner was supposed to get married under the Special Marriage Act, 1954, and for which notice under

Section 6 of the Special Marriage Act, 1954, had been issued by the Appropriate Authority on 29th May 2019 and the Marriage Officer had fixed 15th July 2019 as the date of marriage.

2 The petitioner contended that after the parents of Miss Nasreen Shaikh learnt about the proposed marriage of Miss Nasreen Shaikh with the petitioner, she was detained by the parents, for which reason, she could not come for registration of the marriage, and consequently, the present writ petition of Habeas Corpus came to be filed.

3 Upon notice being issued to the State, the Police authority took necessary steps in the matter and respondent no.5 Mohiddin Babumiya Shaikh appeared before this court on 16th July 2019 along with his daughter Miss Nasreen Shaikh. On the said date, this court recorded statement of Miss Nasreen Shaikh. Miss Nasreen Shaikh, who happens to be aged 29 years old and is holding a Post Graduate Diploma in Forensic Science, expressed her desire not to go back to her parents and consequently, for the

interim purpose, we requested Government Shraddhanand Mahila Ashram, Matunga, to provide accommodation to Miss Nasreen Shaikh till today.

4 Today, the petitioner has appeared in person as well as Miss Nasreen Shaikh is also present. Both the parties expressed their desire to get married under the Special Marriage Act, 1954, and accordingly, we grant such liberty to them and we call upon the Registrar, Thane, under the Special Marriage Act to fix an early date for registration of the marriage. The petitioner also undertakes to take care of Miss Nasreen Shaikh and provide accommodation for her and ensure to look after all her needs.

5 Miss Nasreen Shaikh need not any longer stay at the Government Shraddhanand Mahila Ashram, Matunga. We record our appreciation of the services rendered by Government Shraddhanand Mahila Ashram, Matunga, for providing accommodation to Miss Nasreen Shaikh.

6 We also record our appreciation of the efforts taken by the Police authority in ensuring early production of Miss Nasreen Shaikh. We further direct that in view of the orders passed herein, no coercive steps shall be taken against the parents and family members of Miss Nasreen Shaikh.

 Accordingly, the Habeas Corpus writ petition stands disposed off.

7 We hope and trust that the parties will act strictly in accordance with the directions as noted hereinabove and efforts shall be taken by all parties to resolve the differences in their respective families in the best interest of all concerned.

(A. M. BADAR, J.)

(INDRAJIT MAHANTY, J.)