

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.344 OF 2021

Archana W/o Anil Jarare,
Age : 35 years, Occu. Housewife,
R/o Gali No.2, Shastri Colony,
Tq. Sillod, Dist. Aurangabad. ... Petitioner.

Versus

1. The State of Maharashtra,
Through Principal Secretary,
Home Department, Mantralaya,
Mumbai.
2. The District Superintendent of Police,
Aurangabad, District Aurangabad.
3. The Deputy Superintendent of Police,
Aurangabad, District Aurangabad.
4. The Police Inspector,
Police Station, Sillod City,
Tq. Sillod, District Aurangabad.
5. Sagar S/o Kashinath Nikam,
Age : Major, Occu. Nil,
R/o Gali No.4, Shastri Colony,
Tq. Sillod, District Aurangabad. ... Respondents.

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Advocate for Petitioner : Mr. Jarare Prasad D.
APP for Respondent/s-State : Mr. S. J. Salgare.
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**CORAM : V. K. JADHAV, AND
M. G. SEWLIKAR, JJ.**

DATE : 11.03.2021

ORAL JUDGMENT (Per V. K. Jadhav, J.) :-

1. Heard. Rule made returnable forthwith.
2. Missing girl Vaishavi D/o Anil Jarare is now produced before us by API Mrs. N. S. Landage, Police Station Sillod City in connection with missing report No.5 of 2021. The missing girl was produced before us at 2.30 p.m., but we waited upto 4.45 p.m. till arrival of the petitioner, who is mother.
3. API Mrs. N. S. Landage of Police Station Sillod City has submitted the report before us along with the missing girl. As per this report, the missing girl along with the boy namely Sagar Kashinath Nikam had come to the Police Station on her own and informed to the police that they got married. API Mrs. Landage, has also recorded the statement of missing girl Vaishnavi. On perusal of the said statement, it appears that missing girl Vaishnavi has stated that she left the house on her own and joined the company of the said Sagar Nikam. There is a love affair between them. She has further stated in her statement that on 04.03.2021, they have performed the marriage in one Ashirvad Mini Hall, A. K. Marg, Vandre (East), Mumbai, as per Hindu rites and rituals. She has also stated in

her statement that she had completed her 18 years of age prior to the registration of the said missing complaint. Furthermore, on perusal of the papers, it also appears that missing girl Vaishnavi in her own hand writing has given the request application explaining therein that she had performed the marriage as per her own will and wish and there is danger to her life from her mother, father and the maternal uncle, if she returned to them. She has further explained that she has left the house and performed the marriage voluntarily on her own without any pressure. We also found the copy of the Aadhar Card and the School Leaving Certificate, wherein the date of birth of the missing girl Vaishnavi is mentioned as 19.01.2003.

4. The learned counsel for the petitioner, on instructions, submits that the petitioner accepts the date of birth of missing girl Vaishnavi Anil Jarare. However, the learned counsel submits that missing Girl Vaishnavi Jarare has attained the majority just one month back prior to the missing and even though technically she is major, she is unable to understand the nature and consequences of her act. Learned counsel submits that the petitioner-mother is ready and willing to take missing girl Vaishnavi Jarare with her with all the necessary assurances

that she would take care of her daughter and there would be no danger to her life in any manner.

5. We have carefully perused the report of the API Mrs. N. S. Landage and the statement of missing girl Vaishnavi recorded by her on 11.3.2021 i.e. today in the police station. It is thus clear that missing girl Vaishnavi has attained the majority on 18.1.2021 and as per the report submitted to the police station, she was found missing from the house since 20.2.2021. Thus, on the date of incident even missing girl Vaishnavi was major.

6. We have also personally interacted with the missing girl Vaishnavi and also interacted with her in presence of her mother-petitioner. Missing girl Vaishnavi has stated before us that there is danger to her life from her parents so also from her maternal uncle, as she left the house against their will and performed the marriage with said Sagar. She has expressed her wish to return to the house of said boy Sagar and she is not willing to go with her mother-petitioner. We have also interacted with the petitioner-mother, however, she has stated before us that she wants her daughter back.

7. Missing girl Vaishnavi is major and in view of the same, she is free to go anywhere as per her will and wish. Missing girl Vaishnavi is a first year student of B. Pharmacy. She is capable of taking care of her own. She has also expressed her wish. We respect the wish of a major girl. She has expressed danger to her life at the house of her parents and so also danger to her life from her maternal uncle. We cannot compel her to go to her mother's house since she is major.

8. In view of the same, we direct the Police Station, Sillod City to set at free the missing girl Vaishnavi Anil Jarare. We further direct the API Mrs. N. S. Landage, Police Station Sillod City to set the missing girl Vaishnavi free from the police station after completing the formalities and further to ensure the safety of the missing girl Vaishnavi for a reasonable time after she is set at free from the police station.

9. We accordingly discharge the Rule of Habeas Corpus and dispose off this writ petition.

(M. G. SEWLIKAR, J.)

(V. K. JADHAV, J.)

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vmk/-