

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

941 CRIMINAL WRIT PETITION NO.1173 OF 2021

Amol s/o Bhagwat Gutte
Age : 26 years, Occu : Nil,
R/o : Shivshakti Apartment, Osmanpura,
Aurangabad, Tq. & Dist. Aurangabad. ... Petitioner

Versus

1. The State of Maharashtra
through The Secretary,
Home Department,
Mantralaya, Mumbai-32.
2. The Commissioner of Police,
Aurangabad region, Dist. Aurangabad.
3. The Superintendent of Police,
Selu Dist. Parbhani.
4. The Police Inspector,
Police Station, Selu,
District Parbhani.
5. Eknathrao Rangnathrao Raut
Age : Major, Occu : Service,
R/o Shriram Colony,
Tq. Selu, Dist. Parbhani.
6. Lalita Eknathrao Raut,
Age : Major, Occ. : Household,
R/o Shriram Colony,
Tq. Selu, Dist. Parbhani.
7. Priyanka w/o Amol Gutte
Age : 25 years,
Occ : Medical Practitioner as Doctor,
R/o Shriram Colony,
Tq. Selu, Dist. Parbhani. ...Respondents

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Advocate for Petitioner : Mr. Chavan Sanjaykumar B.
APP for Respondent Nos. 1 to 4 : Mr. S. J. Salgare
Respondent Nos. 5 to 7 present in person
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**CORAM : V. K. JADHAV AND
SANDIPKUMAR. C. MORE, JJ.
DATED : 29th OCTOBER, 2021**

ORAL JUDGMENT (PER V. K. JADHAV, J.) :-

1. Rule. Rule made returnable forthwith. By consent of the parties, heard finally.

2. In terms of the order dated 25.10.2021, respondent no.7 Priyanka is now produced before us by API Sarla K. Gadekar. API Gadekar is also present in person before us. API Gadekar has recorded the statement of respondent no.7 Priyanka. In her statement, respondent no.7 Priyanka has stated that in the year 2012, the petitioner and respondent no.7 fell in love with each other and at that time respondent no.7 Priyanka was taking education in 12th standard at Nutan Mahavidyalaya, Selu and the petitioner was also taking education in the said school. In the year 2019, when respondent no.7 completed her B.A.M.S. degree education, the petitioner and respondent no.7 decided to get married. However, their parents were not giving consent for the said marriage and therefore they have performed court marriage on 01.04.2021. Respondent no.7 Priyanka has further stated in her statement that she had not disclosed the said fact to her parents and she had started residing with her parents even after marriage. She was also constrained to stay with her parents since she was found Corona positive. However, meanwhile the parents of respondent no.7 had

started searching a boy for her marriage and accordingly, respondent no.7 Priyanka had disclosed the same to the petitioner herein.

3. We have interacted in the open court with respondent no.7 Priyanka. She is 26 years of age. API Gadekar has also collected her Aadhar card during the course of inquiry and as per the copy of the said Aadhar card, the date of birth of respondent no.7 Priyanka is 25.05.1996. Thus, at present undisputedly respondent no.7 is 26 years of age. Respondent no.7 Priyanka in unequivocal words, informed to us that she wants to reside with her husband Amol Gutte. Respondent no.7 Priyanka has also told us that she got married with the petitioner Amol Gutte voluntarily on 01.04.2021 and they are husband and wife. Respondent no.7 Priyanka has completed her B.A.M.S.. She had also worked in Dr. Hedgewar Hospital, Aurangabad for some time even after marriage. However, at present she is jobless.

4. We have also interacted with the petitioner Amol Gutte, who is present in person before the Court. He possesses degree of Mechanical Engineering and he is in private employment in a company, namely, Varroc Engineering Private Limited, Aurangabad. Learned counsel for the petitioner submits that the petition is filed to protect respondent no.7.

5. We have also interacted with the parents of respondent no.7 Priyanka, who are present in person in the Court. According to the father of respondent no.7 Priyanka, they were not knowing about marriage of respondent no.7 Priyanka with the petitioner. However, at present they have nothing to say except that respondent no.7 Priyanka will have no share in the property of her parents. The father of respondent no.7 Priyanka has also informed to us that there is educational loan standing in the name of respondent no.7 Priyanka and she will have to repay the said loan amount. At this stage, the petitioner Amol Gutte has come forward and on his own informed to us that he will repay the said loan amount.

6. Thus, considering the entire aspect of the case and since respondent no.7 Priyanka is a major girl, it is necessary to set her free at once. Respondent no. 7 Priyanka, who is a major girl, is at liberty to choose to stay with the petitioner who is her husband. Even the petitioner has annexed the marriage certificate to the petition at Exhibit "B". In view of the same, we direct respondent nos. 1 to 4 to set at free respondent no.7 Priyanka w/o Amol Gutte at once. We accordingly discharge the Rule of habeas corpus. The Criminal Writ Petition stands disposed of.

(SANDIPKUMAR. C. MORE, J.)

(V. K. JADHAV, J.)

rlj/