

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 CRIMINAL WRIT PETITION NO.522 OF 2022

Poonam Vinayak Tathe
Age 45 years, Occ. Household
R/o. Flat No.8, Kohinoor Garden
Ambedkar Road, Maliwada
Ahmednagar

...Petitioner

versus

1. The State of Maharashtra
Through Kotwali Police Station
District Ahmednagar
2. The State of Maharashtra
Through MIDC Police Station
Ahmednagar
3. Karan Kamlakar Gaikwad
Age 24 years, Occ. Unknown
R/o. Pokhardi,
Taluka and Dist. Ahmednagar
4. Kamlakar Gaikwad
Age adult, Occ. Unknown
R/o. Pokhardi, Tq. Nagar
District Ahmednagar

...Respondents

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Mr. Pratik P. Kothari, advocate for the petitioner
Mr. M.M. Nerlikar, A.P.P. for respondent Nos. 1 to 3.

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**CORAM : V. K. JADHAV AND
SANDIPKUMAR. C. MORE, JJ.
DATED : 27th APRIL, 2022**

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

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

2. The petitioner mother is present before us in person. We have gone through the statement of girl Rutuja recorded by the police. It appears from her statement that against her will the parents have performed her marriage with a boy viz. Avdhoot Borude, however, girl Rutuja did not like him. In consequence thereof, she left the house on her own and started residing with one of her friends viz. Karan Kamlakar Gaikwad, to whom she loves. In fact, she was intending to marry with said Karan Gaikwad, however, against her will the parents have performed her marriage with said Avdhoot Borude.

3. We have also interacted with girl Rutuja in the open court. She has stated before us the same fact as recorded in her police statement. Further, said Karan Gaikwad, aged 24 years, is also accompanied her in the court. He is Bachelor of Business Administration. The parents of Karan Gaikwad are also present alongwith him. The said Karan Gaikwad and his family members are ready to accept girl Rutuja.

4. Apart from this fact, since girl Rutuja is 24 years of age, having qualification of B. Com. we cannot send her to her parent's home against her will. The girl Rutuja is in a position to take the decision on her own.

5. In view of above, Rule of habeas corpus stands discharged. Girl Rutuja shall be set at free at once. Writ petition is accordingly disposed of.

(SANDIPKUMAR. C. MORE, J.)

(V. K. JADHAV, J.)

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