

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2913 OF 2023***

Gaurav Kumar Murarka

... Petitioner

Versus

Union Territory of Dadra &
Nagar Haveli Silvassa and Ors.

...Respondents

Ms. Vrishali Raje, for the Petitioner.

Mr. H. S. Venegavkar, for the Respondent No.1 – UOI.

Ms. P. P. Shinde, A.P.P for the Respondent – State.

Petitioner - Gaurav Kumar Murarka, is present.

Mrs. Shivani Murarka, wife of the petitioner, is present.

***CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.***

***DATE : 12th SEPTEMBER 2023
(IN CHAMBERS)***

P.C. :

1. Heard learned counsel for the parties.
2. By this petition, the petitioner seeks a writ of habeas corpus directing the respondent No.1 to produce his wife – Shivani before this Court. He also seeks a direction to the respondent Nos.3 to 8 to immediately release his wife – Shivani and hand over her custody to the petitioner.

3. In our order dated 25th August 2023, we recorded the submissions of the learned counsel for the petitioner; that the petitioner got married to Shivani on 4th May 2023; that on 16th June 2023, Shivani went to meet her parents and did not return thereafter; that the petitioner tried to contact Shivani, however, he was unable to contact her; and that the petitioner apprehended danger to his wife – Shivani, since their marriage was performed against the wishes of Shivani's family and more particularly, as she was pregnant. Accordingly, vide the said order dated 25th August 2023, we issued notice to the respondents and directed the respondent No.1 to trace Shivani and to record her statement in the absence of her relatives.

4. On 30th August 2023, Mr. Venegavkar, learned counsel for the respondent No.1 informed us that the Silvassa Police had been to Shivani's parents house, however, the house was found locked and the whereabouts of Shivani and her parents were not known. It was submitted that the police had learnt that Shivani was taken to

Ghaziabad by her parents, pursuant to which, the police went to Ghaziabad to find Shivani and her parents, however, they were not traceable at Ghaziabad. It was also submitted that the relatives of Shivani had informed the police that Shivani alongwith her parents had left Ghaziabad and that their whereabouts were not known. Considering what was told to us, we directed the respondent No.1 to produce Shivani before us today i.e. 12th September 2023 at 2:15 p.m. in *Chambers*.

5. Pursuant to the said order, Shivani is produced before us in *Chambers* by the respondent No.1. We have interacted with Shivani who is aged 31 years. She states that she was illegally detained by her parents and that she wants to live with the petitioner, who is her husband.

6. Considering Shivani's statement and her age, she is free to go and reside with her husband i.e. the petitioner. Shivani, who is produced before us, is released and is free to go with the petitioner, as

is desired by her.

7. We would like to record a word of appreciation for the prompt steps taken by the Investigating Officer – ASI, R. D. Rohit, Head Constable – G. N. Raut, Police Constable – Jayanti Busara and Lady Police Constable – J. D. Bhurkund of Silvassa Police Station, in tracing Shivani, (who was illegally detained by Shivani's parents) from a different State.

8. In view of the aforesaid, nothing survives for further consideration in this petition. The petition is accordingly disposed of.

All concerned to act on the authenticated copy of this order.

GAURI GODSE, J.

REVATI MOHITE DERE, J.