

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL WRIT PETITION NO. 3161 OF 2024

Ayesha Aeja Ahmed @ Khushboo

Gordhanbhai Modi

...Petitioners

Versus

The State of Maharashtra & Ors.

...Respondents

Mr. M. K. Kochrekar a/w Mr. Mohammed Ahmed Shaikh for the
Petitioners

Mr. K. V. Saste, Addl. P.P for the Respondents-State

Mr. Aditya Raktade a/w Mr.Dnyanesh Patil, Ms. Aarti Shah and
Mr. Sumit Vhanbhatte for the Interveners/Parents

PI Mr. Anil Mule, PSI Mr. Ravindra Dole and PSI Mr. Sunil
Meher from Vinoba Bhawe Nagar Police Station, Mumbai, are
present in Chambers

ASI Mr. Brijraj Singh Zala and PC Mr. Vishwaraj Singh, from Narol
Police Station, Ahmedabad, are present in Chambers

**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.
(IN CHAMBERS AT 2:00 p.m.)
FRIDAY, 26th JULY 2024**

P.C :

1 Vide order dated 25th July 2024, having heard learned
counsel for the parties, including the petitioner No.1's father,

who was present in Court, we thought it fit to keep the matter in Chambers today i.e. 26th July 2024 at 2:00 p.m.

2 Learned counsel for the petitioners states that the Gujarat Police have landed in Mumbai and as such, the petitioners apprehend that the Gujarat Police will take away the girl and the boy i.e. the petitioners herein. Pursuant thereto, we interacted with ASI Mr. Brijraj Sinh Zala, Buckle No. 13548, who has come to Mumbai only in connection with the missing complaint. He states that he has come to Mumbai only to record the statement of the petitioners and does not propose to arrest them. Statement accepted.

3 In view of the statement, the petitioners to remain present before us in Chambers at 4:30 p.m. today.

4 We make it clear that the Narol Police Station, Ahmedabad, will not take any coercive steps against the petitioners, till the petitioners are heard.

AT 4:30 p.m. :

5 The matter was kept at 4:30 p.m. in the Chambers. Both the petitioners are present in Chambers. Parents and brother of petitioner No.1 are also present in Chambers.

6 We interacted with the petitioners individually as well as together. The petitioner No. 1 was vehement and categorical that she went with the petitioner No. 2 on her own volition and that was not coerced or forced by the petitioner No. 2. She further states that she knew the petitioner No. 2, with whom she has married, for last about 5 to 6 years, as the petitioner No. 2 was a partner with her maternal uncle in a firm. She states that she is well aware that the petitioner No. 2 is a married man with 3 children and despite the same, she decided to get married to petitioner No.2. Petitioner No.1 states that petitioner No. 2 has not suppressed the factum of marriage and the children, from her. The parents of the petitioner No. 1 were also allowed to interact with the petitioner No. 1 in our Chambers in the

presence of the advocates, the learned Additional Public Prosecutor and the police. The parents of the petitioner No. 1 interacted with the petitioner No. 1 for quite some time, however, the petitioner No. 1 was adamant and refused to even look at her parents. She told them that she got married to the petitioner No. 2 on her own volition and that she was happily residing with the petitioner No. 2 and that she did not wish to go to Gujarat.

7 As noted above, the petitioner No. 1 is aged 24 years and is an adult, her date of birth being 22nd June 2000. She has studied upto 12th standard. The petitioner No. 1, as noted above, refused to even go to her parents' house for a few days, despite the petitioner No.1's parents asking her to come for a few days.

8 Mr. Brijraj Sinh Zala and PC Mr. Vishwaraj Sinh from Narol Police Station, Ahmedabad, are also present. They state that they have come to Mumbai, only to record the statement of the petitioner No.1. They state that if the petitioner No.1 goes to Vinoba

Bhave Nagar Police Station (‘V. B. Nagar Police Station’), they will record petitioner No.1’s statement in the V .B. Nagar Police Station, in the presence of V. B. Nagar Police, in the missing complaint.

9 At this stage, learned counsel for the petitioners states that only on 24th July 2024, after the filing of the aforesaid petition, the petitioner No.1’s brother has lodged a case of theft against the petitioner No.1, stating therein that she has run away with gold jewellery worth Rs. 4,50,000/- and cash of Rs. 50,000/-. He submits that the said C.R. is an afterthought, after the aforesaid petition was filed and after petitioner No.1 ran away from the house on 15th July 2024 i.e. after more than 9 days. The petitioner No.1 vehemently refused taking any jewellery with her, much less, money as alleged in the said C.R.No. 681/2024 registered with the Narol Police Station, Ahmedabad. She infact states that she is even ready to handover the gold chain and earrings, which she was wearing, to her parents, if they so desire.

10 Currently, looking at the animosity between the parents against the petitioners, in order to avoid any untoward incident, we deem it appropriate to direct the Additional Commissioner of Police (Protection and Security), to forthwith give police protection to the petitioners. We direct that two armed guards be given to the petitioners 24 x 7, 12 hours each, who will accompany the petitioners, wherever they go, until 8th August 2024. This is keeping in mind what we observed in Chambers, only to avoid any untoward incident.

11 It is open for the police of Narol Police Station, Ahmedabad, to record the statement of the petitioner No.1 in C.R. No. 681/2024, through Video-Conferencing, if they so desire, or after informing V. B. Nagar Police Station, within the precincts of the V.B. Nagar Police Station.

12 Stand over to **6th August 2024**. To be listed at 2:30 p.m.

13 In the meantime, the police of Narol Police Station, Ahmedabad, not to take any coercive steps against the petitioners in C.R. No. 681/2024, till the next date.

14 Learned Addl. P.P. to communicate this order to the Additional Commissioner of Police (Protection and Security), in order to enable him to provide police protection to the petitioners, forthwith.

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

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.