



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 604/2024

(Vilas s/o Chintaman Bhongade Vs. State of Maharashtra & ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R.U. Tambe, Advocate with Mr. S.Gajbhiye, Advocate for
petitioner.

Mr. M. K. Pathan, APP for respondent Nos. 1 and 2.

Mr. A. Ramteke, Advocate for respondent No.3.

CORAM: VINAY JOSHI AND
MRS. VRUSHALI V. JOSHI, JJ.

DATED : 30/08/2024.

Heard.

2. The petitioner husband has sought writ of habeas corpus on the allegation that his wife Kamini has been illegally detained by respondent No.3 who is her father. Since Kamini was in the custody of her father, initially we have issued a notice and called upon respondent No.3 along with Kamini.

3. Today, wife Kamini appeared and expressed to speak to us privately. Since the matter was of sensitive nature and as we perceive that she desires to convey something to us in absences of her parents, accordingly, we have interacted with Kamini in Chamber at 04.30 p.m.. After a short interval, at her request, we allowed her to talk

with the petitioner husband and revert back. It is learnt that the petitioner was in love relationship with Kamini since last 5 to 6 years. Perceiving reluctance of family members, both of them ran away and got married (registered marriage) on 03.07.2024. After few days, parents of Kamini requested her and then took her from husband's house on casual basis. Later on, Kamini was not allowed by her father to interact with husband as parents were not agreeable with the relation.

4. It is learnt that Kamini has studied B-Pharm whilst the petitioner has hardly studied upto 7th standard and working as a Motor Driver. Perhaps, educational and occupational background of petitioner was disliked by the parents of Kamini that is why they are not willing to send her.

5. On deeper interaction with Kamini, she has initially stated that though she desire to stay with her husband, however she is scared about her parents. Finally, she has made up her mind and expressed that she desires to live with her husband i.e. petitioner to whom she is married. She has stated that though she was not confined, however her parents are not allowing her to go with husband. After sometime, we called both the learned counsel, learned APP as well as father i.e. respondent No.3. In their presence, Kamini has expressed that she desires to live with her husband and wanted to go with him right now.

6. Kamini is 23 years of age and well educated. She is having capacity of rational thinking and to take her own decision. Since she desires to go with her husband, she is free to take decision whatever she wishes. Since Kamini is major, we allow to act her as per her wish. As we perceived that her family members are reluctant, we direct the Investigating Officer to escort Kamini along with her husband till their residence and take every care about safety of both of them.

7. We direct respondent No.3 to large heartedly accept decision of his major daughter and also desist themselves from reacting against Kamini and her husband meaning thereby neither to give threat to the couple nor pressurize them in any manner.

8. Petition stands disposed of in above terms.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)