

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

CRIMINAL WRIT PETITION NO.6696 OF 2024

Pradeep Rajesh Kumar Gupta	Petitioner
Versus	
The State of Maharashtra	
and others	Respondents

Mr. Mukesh Gupta, Advocate for the Petitioner.
Smt. M.H. Mhatre, APP a/w. B.V. Holambe Patil for the
Respondent No.1 & 2-State.
Mr. Sanjay A. Singh, Advocate a/w. Avinash Godhia, for the
Respondent Nos.3 & 4.
API Mr. Anna Thombre, Sakinaka Police Station, is present.

**CORAM : SARANG V. KOTWAL &
S.M. MODAK, JJ.**

DATE : 06th JANUARY, 2025

P.C. :

1. This is a Petition for writ *habeas corpus* filed by the
Petitioner, as according to him one 'P' who was married to him,
was kept in confinement illegally by the Respondent Nos.3 & 4
who are her real brothers.

2. A Vacation Bench of this Court (Coram: Dr. Neela Gokhale & Ashwin D. Bhobe, JJ) had directed issuance of notice to the Respondent Nos.3 & 4. Accordingly today the Respondent No.3 has appeared before the Court. The Respondent No.4 could not come to the Court. But, importantly their sister 'P' has also appeared before the Court. Considering the situation, we have heard this matter in the Chambers.

3. The case of the Petitioner is that he got married with 'P', aged 24 years, on 25.10.2024 against the wishes of her family. Initially they resided at their respective houses, but, on 16.12.2024, both of them left their houses. It is his case that the Respondent No.3 approached the Petitioner and assured him that he will not cause any harm to 'P' and that they would accept their marriage. Therefore, 'P' went back to stay with her brothers on 18.12.2024, but, according to the Petitioner the brothers did not honour their commitment and kept 'P' in confinement. The Petitioner was threatened that he would be killed if he tried to contact 'P'. In these circumstances, the Petitioner has approached this Court.

4. Considering this situation, we have interviewed 'P' in our Chambers in the presence of learned APP Ms. M.H. Mhatre. At that time, we ensured that neither the Petitioner nor her brothers were present in the Chambers. When we specifically asked about her wish, she empathetically stated before us that it is her wish to go with the Petitioner. She stated that both of them got married on 25.10.2024 in a Court at Bandra. She stated that she is major and as on today she is 24 years of age. She stated that she has completed her Graduation in B.Com. She is capable of taking her own decision.

5. We have separately interviewed the Respondent No.3 and his mother. Their only grievance is that the Petitioner has not completed his education and is not earning sufficiently. According to them, he does not have his house and, therefore, as the concerned family members they are opposing their marriage.

6. However, since 'P' is major and has expressed her wish to go with the Petitioner, she will have to be allowed to go

with the Petitioner. The Respondent No.3 and his family members cannot stop her from staying with the Petitioner. It is her wish. When this fact was told to the Respondent No.3, he stated before the Court that in these circumstances he and his family will not create any further hurdle in the peaceful cohabitation of the Petitioner and 'P'.

7. By way of abundant precaution, however, since the Petitioner has expressed some apprehension, for initial few days it is necessary that the couple is afforded protection. API Thombre attached to Sakinaka Police Station, Mumbai is present in the Court. One of the brothers of the Respondent No.3 and the Petitioner are staying within the jurisdiction of Sakinaka Police Station, Mumbai. Therefore, it would be responsibility of the officers of Sakinaka Police Station to see that the couple is safe and their safety is not compromised.

8. Hence, the following order:

:: O R D E R ::

- i. 'P' i.e. the Respondent No.3's sister is free to reside with the Petitioner. She shall be taken to the residence

of the Petitioner under police protection.

- ii. The Respondent No.3 and his family members shall not cause any harassment to the Petitioner and 'P'.
- iii. The officers of Sakinaka Police Station, Mumbai shall give police protection to the Petitioner and 'P' at least for a period of two months from today and thereafter it shall be extended if the circumstances so demand. The officers shall ensure safety of the couple.
- iv. The Petition is disposed of in the aforesaid terms.

(S.M. MODAK, J.)

(SARANG V. KOTWAL, J.)

Deshmane (PS)

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