

**(2019) 08 GUJ CK 0031**

**In the Gujarat High Court**

**Case No : R/Special Criminal Application No. 7874 Of 2019**

Deeneshbhai Devkishanbhai Teli

APPELLANT

Vs

State Of Gujarat

RESPONDENT

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**Date of Decision : 14-08-2019**

**Acts Referred:**

**Citation : (2019) 08 GUJ CK 0031**

**Hon'ble Judges : S.R. Brahmbhatt, J;A.P. Thaker, J**

**Bench : Division Bench**

**Advocate : Bhavin B. Thakar, Tapaswi P. Rava, K.P. Raval**

**Final Decision : Dismissed**

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## **Judgement**

S.R. Brahmbhatt, J

1. The present petition has been preferred by the petitioner for seeking following prayers:

"A. YOUR LORDSHIPS may be pleased to admit and allow this petition;

B. YOUR LORDSHIPS may be pleased to issue a writ of habeas corpus direction the respondent no. 2 to procure the custody of the respondents no. 3 to 5 from the respondent no. 6 and produce the corpus of the respondent no. 3 to 5 before this Hon'ble Court for ascertaining their wish and further be pleased to pass appropriate Orders in the interest of justice;

C. During the pendency and final disposal of this petition, YOUR LORDSHIPS may be pleased to direct the respondent no. 2 to immediately take the custody of the respondents no. 3 to 5 and produce her before this Hon'ble Court for further directions;

D. Any other and further relief as though fit may be granted in the peculiar facts and circumstances of the case and in the interest of justice;"

2. The writ of habeas corpus is sought on the basis of the allegations and

averments made in this petition. This Court on 07.08.2019 issued Rule, which was made returnable on 14.08.2019 i.e. today.

3. Today, the corpus and her children are present before the Court. The Court inquired of all of them and all of them are very clear about they being not under any confinement or restrained.

4. Learned counsel Shri N.Y. Shukla appears for respondent nos. 3 to 5 and placed on record Affidavit-in-Reply on their behalf. He seeks permission to file Vakalatnama. The permission to file Vakalatnama is granted. The same shall be filed on or before 20.08.2019.

5. The Court is of the view that when the corpus and the children are very unequivocally stating before the Court that they are not under any confinement or restrained, this petition is required to be dismissed and accordingly dismissed. Rule is discharged.

6. Passing of this order in no way whittled down, impede or aid the parties in the respective proceedings that may be taken or which have already been taken and those proceedings shall be brought to its logical conclusion without being influenced by this order.