

(2025) 12 GUJ CK 1857
In the Gujarat High Court

Case No : R/Special Criminal Application (Habeas Corpus) No. 11563 Of 2024

Harkhaji Bhupatji Thakor

APPELLANT

Vs

State Of Gujarat & Ors

RESPONDENT

Date of Decision : 16-12-2025

Acts Referred:

Citation : (2025) 12 GUJ CK 1857

Hon'ble Judges : N.S.Sanjay Gowda, J;D. M. Vyas, J

Bench : Division Bench

Advocate : M R Saiyed, Ankit Shah, Monali Bhatt, Krunal S. Mehta

Final Decision : Disposed Of

Judgement

N.S.Sanjay Gowda, J

1. Harkhaji Bhupatji Thakor has filed this petition contending that his daughter, Pinkalben, was under the illegal confinement of Prahladji Jesungji Thakor, respondent No.3 herein.

2. It is contended that Pinkalben eloped with respondent No.3 on 24.07.2024, and at that point of time, she was only 17 years and 5 months old. It is stated that despite a complaint being lodged, she had not been traced and the petitioner apprehended that her life was in danger and that there was a distinct possibility that she was being sexually exploited by respondent No.3.

3. Notice of this petition was ordered and the matter was adjourned on several occasions to enable the Police to secure the presence of the corpus. Ultimately, today, the corpus has been secured and has been presented before us. Learned APP has filed police report which is taken on record.

4. Pinkalben submits that she and respondent No.3 got married on 02.07.2025 and she also produces a certificate of registration apart from photographs to indicate that she and the respondent No.3 have been entered into a lawful matrimony. The certificate of marriage produced by the corpus is taken on record.

5. Pinkalben also interacted with her parents and she was categorical in her stand that she would not wish to stay with them. She also states that she is presently seven months pregnant and she would wish to stay with her in-laws, i.e., the parents of respondent No.3. Learned counsel appearing for Pinkalben also submits that he has telephonic instructions that the in-laws will take care of her during the period of her pregnancy and they are ready and willing to allow Pinkalben to stay with them.

6. In the light of the fact that Pinkalben is more than 18 years old and is married to the respondent No.3, we deem it appropriate to permit her to be with her in-laws, i.e., the parents of the respondent No.3. The parents of the respondent No.3 shall file an affidavit undertaking that they would take care of the corpus and ensure that no harm comes to her. This affidavit shall be filed within a period of two weeks.

7. The petitioner and his family members are hereby directed not to interfere with the marital life of Pinkalben. They should also file an affidavit undertaking this within a period of two weeks.

8. The Writ Petition is accordingly disposed of.

9. Concerned Police are directed to hand-over the custody of Pinkalben to her in-laws pursuant to this order.