

(2010) 04 GUJ CK 0085

In the Gujarat High Court

Case No : Special Criminal Application No. 597 of 2010

Sayyed Asif

APPELLANT

Vs

State of Gujarat and Others

RESPONDENT

Date of Decision : 07-04-2010

Acts Referred:

Citation : (2010) 04 GUJ CK 0085

Hon'ble Judges : Z.K. Saiyed, J; Jayant M. Patel, J

Bench : Division Bench

Advocate : Imtiyaj M. Kureshi and Aftabhusen Ansari, for the Appellant; K.P. Raval, APP for Respondent 1, for the Respondent

Judgement

Jayant Patel, J.—The present petition is preferred by the petitioner, claiming as husband of the corpus, Rubiya Ishmailbhai Qureshi to set her free on the allegation that the parents have kept her in wrongful confinement and she is compelled to marry with other boy.

2. Pursuant to the earlier order passed by this Court, the corpus Rubiya is present with the Police Officer, Mr. M.D. Chauhan, P.S.I., Kadi Police Station. We have enquired about the free-will and desire of the corpus Rubiya and she has declared before us that she is not desirous to stay with the petitioner and she is desirous to stay with the parents. She also stated that no Nikahnama ceremony is not performed between the petitioner and herself.

3. The petitioner, Sayyed Asif Mansoor Ali, is present with his Advocate, Mr. Ansari. The aforesaid facts are brought to his notice in his Advocate's presence and he also confirms that there is no Nikahnama ceremony performed between the petitioner and the corpus Rubiya.

4. In view of the above, both the petitioner as well as the corpus have agreed to separate each other.

5. The parents of the corpus are also present with their lawyer Mr. Feroz H.

Pathan and they have declared that if the corpus is desirous to stay with the parents, they shall keep and treat her properly.

6. In view of the above, the corpus Rubiya is set free and she would be at liberty to stay with her parents. The parties shall act as per the declarations made before the Court. Mr. M.D. Chauhan, P.S.I., is directed to ensure that the corpus with her parents are left at their residence in safe condition.

7. Rule made absolute accordingly.