

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION NO. 2463 of 2020**

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NITESHKUMAR MULCHANDBHAI PRAJAPATI
Versus
STATE OF GUJARAT

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Appearance:

MUKUNDKUMAR A THAKKAR(9034) for the Applicant(s) No. 1
NOTICE NOT RECD BACK(3) for the Respondent(s) No. 2,3,4,5,6
MS JIRGA JHAVERI, APP (2) for the Respondent(s) No. 1

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CORAM: **HONOURABLE MS. JUSTICE SONIA GOKANI**
and
HONOURABLE MR. JUSTICE N.V.ANJARIA

Date : 17/06/2020

ORAL ORDER
(PER : HONOURABLE MS. JUSTICE SONIA GOKANI)

Leave to join corpus Rinkalben as party respondent No.7. The same shall be done at the earliest.

2. This Court on 09th June, 2020 passed the following order.

"1. This is a petition under Article 226 of the Constitution of India by the respondent, who is aggrieved by the actions on the part of the respondent Nos. 2 and 3, seeking production of the corpus, who happens to be his wife, as the marriage certificate is also brought on record, the registration of which has been done on 01.02.2020 under the Gujarat Marriage Registration Act. It is, further, noticed that this Court had given the protection to the petitioner and his wife by way of the order dated 10.02.2020, passed in Special Criminal Application No. 997/2020. Further, since, the couple had moved to the

State of Rajasthan, the incident narrated in the petition has occurred.

2. NOTICE, returnable on 17TH JUNE, 2020. Learned APP waives service of notice for the respondent-State.

3. Considering the present situation of pandemic, she shall be taken to the nearest Court through which the VIDEO CONFERENCE facility shall be arranged for this Court to have a meeting with the corpus."

3. Today the corpus Rinkalben is produced before us through video conference at District Court at Palanpur. We requested the learned Principal District Judge either himself or through someone to assist the Court. Learned Additional District Judge Shri Robin Mogera has remained present before us who also helped specifying the girl-corpus who remained present through video conference. We could notice that she was visible and has expressed her desire before learned Additional District Judge and before us to join her husband, i.e. the petitioner. The corpus also confirmed that she is carrying foetus in her womb of the petitioner and she was accompanied by the mother Bhartiben.

4. We have not only gathered from the corpus but also could know from the complaint which had been lodged by the petitioner and the marriage registration certificate produced on the record, that marriage had taken place on 15th January, 2020 and this Court has also protected both of them on 11th February, 2020 in Special Criminal Application No.997 of 2020 and thereby had directed the police to protect the couple who had married against the wish

and will of the parents of the girl.

5. Today also the mother Bhartiben appears to be quite adamant and she also tried to emotionally blackmail by stating that she may have to end her life if corpus continues to express her desire to join her husband.

6. Attempt was made to explain her the law that corpus being an adult lady who has married and is also carrying child in her womb of the petitioner, she be allowed to join the petitioner. The petitioner and his family members are outside the District Court, Palanpur as per the say of Learned Advocate Mr.Kakkad. Mr.Chaudhary, Police Sub Inspector of Gadh Police Station who has joined us through video conference, is asked to communicate with the office of Superintendent of Police, Palanpur and make a request to depute an officer not below the rank of Police Sub Inspector to immediately proceed towards the District Court so that no untoward incident could be noticed there.

7. Learned Additional District Judge is requested to make an attempt to bring an amicable solution between the parties and if he deems it proper, he may refer the matter to the Mediation Center, Palanpur eventually.

8. For present, learned Additional District Judge shall ensure that the corpus safely reaches her matrimonial home with the escort of police. Protection to the couple shall continue for a period

of four months. Thereafter the matter shall be posted before the Superintendent of Police, Palanpur, who shall decide as to whether to continue such protection or not.

9. We also notice that the caste system in the country is making it more and more difficult for the young people to decide their own life partner and the rigidity in the minds of adults in the family becomes the serious cause of division of human relationship. It is also making it extremely difficult for the administration to handle this social and emotional upheaval which eventually turn int legal battleground.

10. By way of social policing, attempt can also be made by the officer concerned who is investigating the earlier complaint of the petitioner filed against family members of the corpus and to make an attempt to bring an amicable solution between the families.

11. With this, we appreciate the arrangements made at the District Court, Palanpur and vital assistance rendered by learned Additional District Judge all throughout.

The petition stands disposed of accordingly.

(SONIA GOKANI, J)

(N.V.ANJARIA, J)

MISHRA AMIT V./Anup