

## IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

## R/SPECIAL CRIMINAL APPLICATION NO. 3083 of 2022

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CHAUDHARI SAURABHKUMAR VIJAYBHAI  
Versus  
STATE OF GUJARAT

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## Appearance:

A R KADRI(7330) for the Applicant(s) No. 1  
NOTICE NOT RECD BACK for the Respondent(s) No. 2,3,4,5  
MR HK PATEL, ADDL. PUBLIC PROSECUTOR for the Respondent(s) No. 1

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**CORAM:HONOURABLE MS. JUSTICE SONIA GOKANI**  
and  
**HONOURABLE MRS. JUSTICE MAUNA M. BHATT**

Date : 31/03/2022

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

1. This Court while issuing notice on 24.03.2022 passed the following order:-

*“1. Petitioner has approached this Court by way of this petition under Article 226 of the Constitution of India seeking issuance of writ of habeas corpus, as his wife is allegedly detained by respondent No.4. Certificate of registration of marriage dated 07.03.2022 is on record.*

*2. We have heard Mr.Kadri, learned advocate for the petitioner. On a query raised by the Court he has stated that no complaint has been lodged before the police of missing wife because of apprehension from respondent No.4.*

*3. Notice returnable on 31.03.2022. Mr. H.K.Patel, learned Additional Public Prosecutor, waives service of notice for and on behalf of the respondent-State. Private respondent to be served through respondent-Police Inspector.*

*4. Let the corpus be brought before this Court on the returnable date."*

2. The corpus is brought today. She is clear that it was a mistake on her part and she has not undergone the rituals which the Hindu Marriage requires. At the time of registration of marriage, only her signature has been taken. We could also notice from the boy that with the willingness of each other, the marriage has taken place, however, it was mere an infatuation which has now receded and the corpus is no longer desirous to continue this relationship.

3. Both being very young and the marriage having been registered, we propose the learned advocates on both the sides to go for the customary divorce or a decree of divorce by mutual consent.

4. The corpus since is with her parents with her own volition, the petition stands disposed of.

**(SONIA GOKANI, J)**

Bhoomi

**(MAUNA M. BHATT,J)**