

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (DIRECTION) NO. 1318 of 2024**

=====

ALKABEN MERAJI GELOT

Versus

STATE OF GUJARAT

=====

Appearance:

MR VC VAGHELA(1720) for the Applicant(s) No. 1

for the Respondent(s) No. 2,3

PUBLIC PROSECUTOR for the Respondent(s) No. 1

=====

CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**Date : 31/01/2024****ORAL ORDER**

1. By way of present petition, the petitioner has prayed for the following relief:-

“(B) Allow this petition and issue writ of mandamus or writ of certiorari or any other appropriate writ, order or direction against respondent authorities to consider and decide representation dated 18.09.2023 (ANNEXURE-A) by filing complaint in the interest of justice.”

2. Learned counsel for the petitioner has submitted that the petitioner got married with one Pintubhai Raychandji Mali, which was not liked by family members and villagers and thereofre, they are compelled the petitioner to leave said Pintubhai. He also submitted that earlier proceedings came to be filed including habeas corpus and then, approached Hon’ble Apex Court by filing Special Leave Petition (Cri.) No.10211/2023, wherein, the Hon’ble Apex Court has been pleased to pass the following order:-

“(i) Issue notice to the respondents. Liberty to serve the Standing Counsel for the State of Gujarat, in addition. Notice to the third, fourth, fifth and sixth respondents shall

be served through the SHO of the police station concerned;

(ii) We direct the Superintendent of Police of District Banaskantha in the State of Gujarat to take immediate steps to ensure that Ms Alkaben Merajibhai Mali is released from the custody of her parents and is escorted, if she so wishes, to reside with the petitioner;

(iii) In the event that Ms. Alkaben Merajibhai Mali seeks to reside with the petitioner, the Superintendent of Police of District Banaskantha shall ensure that adequate police protection is given to both the petitioner and Ms Alkaben Merajibhai Mali, pending further orders of this Court; and

(iv) Pending further orders, there shall be a stay of the operation of the impugned judgment and order dated 10 August 2023 of the Division Bench of the High Court of Gujarat in Special Criminal Application No.8217 of 2023."

3. Considering the facts of the case as well as the order passed by the Hon'ble Apex Court, the respondent authority concerned is directed to consider representation/application dated 18.09.2023 submitted by the petitioner (At Annex-A), as expeditiously as possible.

4. With the aforesaid direction, present petition is disposed of.

(HASMUKH D. SUTHAR,J)

SUCHIT