

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CRIMINAL APPLICATION (HABEAS CORPUS) NO. 8445 of
2026

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SIMI D/O. JUSAB KAKKAL
Versus
STATE OF GUJARAT & ORS.

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Appearance:
MR KUMAR H TRIVEDI(9364) for the Applicant(s) No. 1
MS. PRATIBHA R KUMAVAT(17552) for the Respondent(s) No. 4
MS SHRUTI PATHAK, ADDITIONAL PUBLIC PROSECUTOR for the
Respondent(s) No. 1

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CORAM: **HONOURABLE MS. JUSTICE SANGEETA K. VISHEN**
and
HONOURABLE MR. JUSTICE UTKARSH THAKORBHAI
DESAI

Date : 29/07/2026
ORAL ORDER

(PER : **HONOURABLE MS. JUSTICE SANGEETA K. VISHEN**)

1. Captioned writ petition is filed by the petitioner seeking direction to the respondents to produce the corpus.
2. The petitioner is the elder sister of the corpus. While seeking direction, grievance is raised that the corpus being her younger sister, is illegally detained by the parents.
3. Mr Kumar H. Trivedi, learned advocate has made submissions, *inter alia*, stating that the corpus is detained by her father as the marriage of the petitioner was not liked by them. It was alleged that the father may discontinue the studies of the corpus apprehending that she might take similar steps as taken by her elder sister.
4. This Court, requested Ms Shruti Pathak, learned Additional Public Prosecutor to take necessary instructions. On the next date, the corpus was produced before this Court. She was accompanied by her mother. The Bench has interacted with the corpus conducting in camera proceedings. She has also shared that she would like to pursue her further studies and as she was inclined to join her sister, this Court, by passing an order dated 29.06.2026 allowed to join her sister i.e. the petitioner. The corpus has expressed her desire that

she is very much inclined to pursue her further studies and her parents are not allowing her to do so. Respecting her wish of further studies, the corpus was allowed to join the petitioner keeping the matter on the next date; however, to the surprise of the Court, the corpus was present and it was informed that after she was allowed to go to the petitioner, immediately thereafter, the corpus has already solemnized the marriage with the person of her choice on 01.07.2026. This Court, is of the opinion that on one hand the corpus has expressed her desire to pursue her further studies and when she was allowed to go, she solemnized her marriage. This is not to suggest that the corpus could not have done so but the fact remains that a particular impression was given to the Court and the Court respected the wish of the corpus. The corpus ought to have adhered to her desire to pursue her further studies. Be that as it may.

5. Mr Kumar H. Trivedi, learned advocate regretted that there was never any intention on the part of the petitioner. Affidavit is filed by the petitioner explaining / justifying the stand taken; however, the explanation and especially paragraph 6, does not appeal to us. The petitioner has justified the stand of the corpus stating that she is a major and that the petitioner lacked in legal authority, moral sanction or right under the law to restrain or deny the corpus from choosing her life partner. The corpus has also placed on record the affidavit. She has denied that the picture sought to be created by the parents is not in a right earnest. She has claimed innocence and that she has no legal understanding or conception that her actions would create an impression of undermining the court's trust. She has also justified that she has not been trapped, colluded or pressured into the marriage by the

petitioner, rather, she has exercised her independent right to choose the life partner.

6. The corpus and the petitioner are young girls. We would have taken strict action against them for taking this Court for a ride; however, as the petitioner and the corpus have tendered unconditional apology at the earliest opportunity available, we deem it appropriate to accept the same. We hope and expect that the petitioner and the corpus shall be careful in future.

7. Ms Pratibha R. Kumavat, learned advocate states that the respondent – mother of the corpus, during the course of hearing, shall file an affidavit. The Registry is directed to accept the same. In the affidavit, allegations are vehemently denied, reservation has been expressed against the decision taken by the petitioner and the corpus; however, we deem it appropriate not to enter into those allegations as the corpus is major and she has already exercised her right.

8. In view of the above development, Mr Kumar H. Trivedi, learned advocate does not press the captioned writ petition. Considering the conduct on the part of the petitioner and the corpus, the Court would have dismissed the petition by imposing cost; however, we deem it appropriate not to do so but place on record our disapproval to the conduct exhibited by the petitioner and the corpus in the captioned proceedings.

9. The captioned petition is dismissed. No order as to costs.

(SANGEETA K. VISHEN,J)

(UTKARSH THAKORBHAI DESAI, J)

RAVI P. PATEL