

GDIN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (HABEAS CORPUS) NO. 9344 of 2026**

=====

ASHOKBHAI VALAJI PARMAR

Versus

STATE OF GUJARAT & ORS.

=====

Appearance:

MR HARDIKKUMAR A DESAI(12173) for the Applicant(s) No. 1

MS SHRUTI PATHAK, APP for the Respondent(s) No. 1

=====

CORAM: HONOURABLE MS. JUSTICE SANGEETA K. VISHEN

and

**HONOURABLE MR. JUSTICE UTKARSH THAKORBHAI
DESAI****Date : 09/07/2026****ORAL ORDER****(PER : HONOURABLE MS. JUSTICE SANGEETA K. VISHEN)**

By this petition, the petitioner has prayed for direction to the respondent authority to produce the corpus. The petition, was listed for hearing on 14.07.2026; however, as the corpus was traced out, Ms Shruti Pathak, learned Additional Public Prosecutor requested this Court to take up the matter and that is how the registry was directed to pre-pone the hearing and the matter was listed yesterday. The proceedings were conducted in-camera. On 08.07.2026, this Court has passed the following order and kept the matter today:

“Captioned petition is filed by the petitioner, who is father of the corpus, seeking direction to the respondent to produce the corpus. The matter was listed yesterday and was kept at 2.30 p.m. for the purpose of taking instructions.

2. In the post lunch session, owing to paucity of time, the matter could not be taken up and hence, the matter was adjourned to 14.07.2026. Today, Ms Shruti Pathak, learned Additional Public Prosecutor has informed this Court that the corpus is made herself available. Hence, the date was pre-poned and the matter was directed to be listed at 2.30 p.m. today. In-camera proceedings were conducted. The bench has interacted with the corpus and she has expressed her willingness to not to go

with the petitioner – her father, but to go with the respondent no.3 with whom she has already performed the marriage. She has also informed this Court that on 08.06.2026, she appeared before the Sola High Court police station and informed that she has willingly left the house. It is also reported by the concerned police station that the petitioner was informed about the appearance of the corpus; however, he did not turn up.

3. Clearly, on 08.06.2026, the corpus and the respondent no.3 both had appeared before the police station and their respective statements were recorded. As per the statements, both have solemnised the marriage on 01.06.2026. Relevant documents, certificate etc. have been submitted before the concerned police station. Upon instructions from Mr. D.P. Dindor, PSI, who is personally present before this Court; it is stated that the petitioner was informed about the daughter; however, the petitioner chose not to come to the police station. Further, those details are missing in the petition.

4. This Court is of the *prima facie* opinion that the petitioner has not disclosed all the correct material facts. Hence, let the petitioner remain personally present before this Court tomorrow, so as to explain as to why the details are missing in the writ petition.

5. List the matter on 08.07.2026. The corpus need not remain present tomorrow.”

2. The bench has interacted with the corpus yesterday. Mr Bharatkumar A. Desai, learned advocate for the petitioner was present. The corpus has expressed her strong reservation against the petitioner. It was informed to the Court that she is major and capable of taking her own decision and stated that she has gone willfully with the respondent no.3; which aspect was known to the petitioner inasmuch as, the corpus had appeared before the Sola High Court police station on 08.06.2026 wherein, her statement was recorded. Giving all the details, she has also stated before the police authority that as her marriage was arranged with another person, not of her choice, she had called the respondent no.3, whom she knew since her childhood. Both have also developed the feelings for each other and hence, they decided to get married. The corpus and the respondent no.3, therefore, have solemnised the marriage on

01.06.2026. Similarly, the statement of the respondent no.3 is also recorded by the Sola High Court police station.

3. Upon instructions from the concerned police station, Ms Shruti Pathak, learned Additional Public Prosecutor has informed that the application dated 11.06.2026 was submitted by the corpus to the Anandnagar police station, which was duly received by the PSO of the Anandnagar police station on 15.06.2026 wherein, the corpus has expressed fear against her family members they are likely to extend threats to her and respondent no.3's family. The statement of the petitioner was also recorded by the Anandnagar police station on 18.06.2026. In the statement before the police officer, the petitioner has categorically stated that against his wish the corpus has solemnised the marriage with the respondent no.3.

4. Pertinently and is clear from the record, the petitioner very well knew that the corpus has solemnised the marriage with the respondent no.3. Even the statement of the petitioner was recorded by the Anandnagar police station; however, those aspects are missing in the petition. There is not a whisper regarding the proceedings before the two police stations, namely, Sola High Court police station and Anandnagar police station. It was expected of the petitioner to have provided all the details in the writ petition; however, he has failed to do so.

5. This Court, considering the instructions provided by the learned Additional Public Prosecutor; the interaction with the corpus in the chamber, is of opinion that the petitioner under the guise of showing concern about his daughter, trying to take advantage of the present proceedings. Clearly, it does not appear to this Court that the corpus is illegally detained by the respondent no.3. On the

contrary, she has gone willingly, solemnised the marriage with the respondent no.3; filed an application before the Anandnagar police station seeking protection, expressing threat from the family members. Besides, she has also given the statement before the Sola High Court police station about her marriage with the respondent no.3. All the documents have been produced before the authorities concerned. The developments of such a substantial nature has taken place in the interregnum and when the petitioner was partially knowing about this, he ought to have placed it on record. Having not done so, the petitioner has not acted bona fide.

6. Mr Hardikkumar A. Desai, learned advocate for the petitioner has tendered apology on behalf of the petitioner – Ashokbhai Valaji Parmar, who is also present before this Court and identified by him.

7. In view of the above, this Court is of the opinion that the petition does not deserve to be entertained and is hereby dismissed. No order as to costs.

(SANGEETA K. VISHEN,J)

(UTKARSH THAKORBHAI DESAI, J)

BINOY B PILLAI