

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (HABEAS CORPUS) NO. 12984 of
2025**

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NARENDRABHAI DHIRAJBHAI VIRANI**Versus****STATE OF GUJARAT & ORS.**

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Appearance:**BHARATKUMAR A DESAI(8513) for the Applicant(s) No. 1****MS VRUNDA SHAH, ADDL PUBLIC PROSECUTOR for the Respondent(s)
No. 1**

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CORAM: HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA**and****HONOURABLE MR.JUSTICE UTKARSH THAKORBHAI
DESAI****Date : 25/09/2025****ORAL ORDER****(PER : HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA)**

1. Narendrabhai Dhirajbhai Virani has filed this petition seeking issuance of a writ of Habeas Corpus for production of Madraniya Hinaben Rajubhai- respondent No.4 herein.

2. It is the contention of the petitioner that he and the respondent No.4 herein were in love with each other and they had decided to stay together. It is stated in the petition that since Narendra was yet to attain 21 years of age, they could not marry. In order to save their relationship, they entered into an agreement on 15.7.2025, by which both of them had agreed to live together.

3. It is also forthcoming from the pleading that the respondent No.4 was born on 28.6.2007, and as such, she has completed more than 18 years and as a consequence, she is entitled to stay at the place of her own choice.

4. On advance notice, the State has secured the presence of Madraniya Hinaben Rajubhai- respondent No.4 herein, and also her father Madraniya Rajubhai Ghughabhai- respondent No.3 herein.

5. Father- Madraniya Rajubhai Ghughabhai strenuously contends that he is opposed to this relationship of his daughter and that he will not accept it. He makes a complaint that he hails from a community which is committed to oppose this relationship and they are not prepared to accept this relation.

6. Father of the petitioner- Dhirajbhai Virani is present and he submits that he supports this relationship of the petitioner with respondent No.4 and he would have no objection if his son gets married to the respondent No.4 after attaining the age of 21 years. This would therefore, indicate that the petitioner and the respondent No.4 are in love with each other and petitioner is yet to attain the age of 21 years.

7. Having regard to the fact that the respondent No.4 is more than 18 years of age, it is obvious that her father

or any of her family members can have any objection if she marries a person of her choice. The opposition of the community cannot be a ground to deny the marriage of one girl with a boy of another community.

8. It is stated by respondent No.4- Hinaben and petitioner Narendra that the respondent No.3 and his uncle Bhupatbhai had jointly opposed their relationship and as a result of this opposition, the respondent No.3 is also constrained to oppose this relationship. It is stated that Bhupatbhai is the leader of the community. In our view, this statement of the petitioner and the respondent No.4 is credible since the respondent No.3 submitted that there is a strong opposition from his family as well as their community.

9. In view of this situation, we hold that neither the respondent No.3 nor any member of his family and more importantly, his uncle Bhupatbhai, can in any way interfere with the lives of the petitioner and the respondent No.4.

10. It is to be stated here that the petitioner and the respondent No.4 being majors are entitled to take an independent decision regarding the manner in which they choose to live. In that view of the matter, we hold that respondent No.4- Madraniya Hinaben Rajubhai would be entitled to marry the person of her own choice, i.e. the

petitioner.

11. It is made clear that neither the respondent No.3 nor his family members or the persons of their community can in any way cause any impediments to the lives of the petitioner and the respondent No.4. The jurisdictional police are hereby directed to ensure that the lives of the the petitioner as well as the respondent No.4 are not in any way troubled either by the respondent No.3 or his family members or their community members.

12. The writ petition is accordingly ALLOWED.

Sd/-
(N.S.SANJAY GOWDA,J)

Sd/-
(UTKARSH THAKORBHAI DESAI, J)

OMKAR

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: OMKAR CHHAGANLAL MAHAWAR(HC00201), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 26/09/2025 11:22:20