

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CRIMINAL APPLICATION (HABEAS CORPUS) NO.
15289 of 2025

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SHANKARLAL NANJI SUTHAR
 Versus
 STATE OF GUJARAT & ORS.

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Appearance:

MR. DEVENDRA G RANA(6997) for the Applicant(s) No. 1
 NOTICE SERVED for the Respondent(s) No. 2,3
 NOTICE UNSERVED for the Respondent(s) No. 4,5
 MR. PRANAV DHAGAT, 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 D. M. VYAS

Date : 13/01/2026

ORAL ORDER
(PER : HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA)

1. Shankarlal Nanji Suthar has filed this petition contending that his wife, Urmilaben who is aged about 36 years, has been missing.

2. It is his allegation that he had married Urmilaben in 2009 out of this wedlock, they have two sons aged 14 and 11 years. An assertion is made that when the petitioner had gone to Prangpar for unloading work, his wife, Urmilaben, had taken away all her jewellery, including the jewellery belonging to his mother, a cash amount of Rs. 1 lakh, and left his house without even informing him or any other family members.

3. It is also stated that the Respondent No.4 herein had allured his wife by giving her false hopes and promises and also by practicing black magic and that was the reason for his wife to commit theft of household articles and to abandon him.
4. An affidavit-in-reply has been filed by the Police Sub-Inspector of Rapar Police Station, in which it is stated that the petitioner had given a complaint on 05.05.2024 that his wife was missing and upon investigation, it was found that the alleged Katara Bharat (R-4) was not living in his village for two years and he had not even attended his father's funeral. It is stated that the suspect Bharat's sister and brother-in-law, had informed the police that Bharat had visited them three years ago accompanied by a woman called Urmilaben. but since they came to know that he had eloped, the family did not allow them to stay and consequently they departed shortly thereafter.
5. The affidavit also states that Bharat's mobile phone has been switched off for a significant period of time and the police had also received leads that Urmilaben had contacted a businessman Karshanbhai Gohil approximately a year ago via an unknown number wherein she attempted to sell/mortgage her house in Galiwadi for Rs. 5 lakhs but Karshanbhai Gohil declined the said offer. It is therefore suggested by the affidavit that Urmilaben had eloped with Bharat Kaatra of her own free will and volition and despite all efforts being made to locate her, the police are still unable to trace her whereabouts.
6. In our view, these facts, coupled with the further fact that Urmilaben is aged about 36 years, mother of two sons, aged 14 and 11 years, has voluntarily parted ways with her husband to

be with one Bharat Katara.

7. In our view, the case of illegal confinement has not been made out for us to entertain this petition.
8. However, since a complaint has been lodged by the petitioner that his wife has been missing since 2024, it would be appropriate to direct the police to continue the investigation and trace the corpus Urmilaben at the earliest. If the petitioner were to secure any leads, he may furnish the same to the police who shall act upon it and make every attempt to trace the whereabouts of Urmilaben.
9. Subject to the above, the present writ petition is disposed of.

(N.S.SANJAY GOWDA,J)

(D. M. VYAS, J)

Mehul Desai