

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (HABEAS CORPUS) NO. 17484 of
2025**=====
PARMAR SHRIKANT KAUSHIKBHAI**Versus****STATE OF GUJARAT & ORS.**
=====

Appearance:

MR NM BHAVSAR(3517) for the Applicant(s) No. 1

MS DIPMALA S DESAI(6596) for the Applicant(s) No. 1

MS. PAYAL M TUVAR(7055) for the Applicant(s) No. 1

MR CHINTAN DAVE, APP 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 : 06/01/2026****ORAL ORDER**
(PER : HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA)

Parmar Shrikant Kaushikbhai has presented this petition contending that the corpus Himaniben is his lawful wife and she is under illegal confinement of the third respondent.

On advance notice being served, the State has secured the presence of the corpus Himaniben and her minor daughter Mishty.

Learned advocate Mr. M. H. Shekhawat submits that he is appearing for respondent no.3 and seeks to file his vakalatnama accordingly. He is permitted to do so. Registry to accept his vakalatnama.

The corpus Himaniben states before us that she has left the company of the petitioner since she was not taken care properly by him. She is staying away from her husband on her own volition.

Since the corpus Himaniben is major and a mother of a minor daughter, it cannot be said that the minor daughter is also under illegal confinement.

It is apparent that there is marital dispute between the petitioner and the corpus and therefore this issue cannot be resolved upon the present habeas corpus matter. Therefore, the present petition by the petitioner seeking custody of his wife and daughter cannot be entertained and the same is closed.

Liberty is however reserved to the petitioner to approach the concerned family court to resolve the dispute as well as to take custody of the child.

Subject to the aforesaid, present writ petition stands disposed of.

(N.S.SANJAY GOWDA,J)

(D. M. VYAS, J)

ILA