

# VERDICTUM.IN

1

ITEM NO.1

COURT NO.1

SECTION II-B

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s).10211/2023

(Arising out of impugned final judgment and order dated 10-08-2023 in SCRA No. 8217/2023 passed by the High Court of Gujarat at Ahmedabad)

PINTUBHAI RAYCHANDJI MALI

Petitioner(s)

VERSUS

THE STATE OF GUJARAT & ORS.

Respondent(s)

(WITH IA No.164612/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 11-09-2023 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA  
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. D.N. Ray, Adv.  
Mr. Vikramsinh Vaghela, Adv.  
Mr. Dillip Kumar Nayak, Adv.  
Ms. Disha Ray, Adv.  
Mrs. Sumita Ray, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

- 1 In pursuance of the order dated 25 August 2023, the Principal Judge of the Family Court at Palanpur, District Banaskantha has placed on the record relevant documents, including the translation in English of the Statement of Ms Alkaben Merajibhai Mali recorded on 29 August 2023 in the presence of a legal aid panel advocate. Two statements which have been recorded are extremely relevant for the purpose of the present proceedings and are extracted below:

“Alkaben Merajibhai Mali

I want to live with Pintubhai Raichandbhai Mali. Societal pressures led me back home. My family has beaten me a lot. For two to three days, I was castaway with an unknown boy in Rajasthan. I am under a great pressure. Beaten a lot. Now I am threatened. Told, if I go with him, both of us will be killed. They will not leave us alive.”

“Alkaben Merajibhai Mali (Crying with folded hands)

I have given a statement today. I am very scared. Help me go with my husband. Right now. My family will kill me. I implore you. I want to go with my husband right now. I do not want to go back home. If I go back home, I shall be abducted. I will be killed. I will be sent to another State Rajasthan. I am scared. I want to live with Pintubhai. That is all I want to say. I request you to send me with Pintubhai. Today. Otherwise, my family will kill me. My family had threatened me a lot. They told me that I shall be abducted if I am not sent to them. Then, he had to give me away into the community. I have one request. A request. I want to go with my husband today with Pintubhai.”

2 The above statements which were recorded in pursuance of the directions of the Court make it abundantly clear that there is *prima facie* substance in the grievance of the petitioner that Ms Alkaben Merajibhai Mali is being held by her parents contrary to her wishes and that she wants to reside with the petitioner. Moreover, it is apparent from the above statements that she has been threatened and apprehends that her life is in danger. She is a major and is entitled to lead her life unimpeded by parental compulsion or coercion.

3 Hence, we pass the following order:

- (i) Issue notice to the respondents. Liberty to serve the Standing Counsel for the State of Gujarat, in addition. Notice to the third, fourth, fifth and sixth respondents shall be served through the SHO of the police station concerned;

## VERDICTUM.IN

3

- (ii) We direct the Superintendent of Police of District Banaskantha in the State of Gujarat to take immediate steps to ensure that Ms Alkaben Merajibhai Mali is released from the custody of her parents and is escorted, if she so wishes, to reside with the petitioner;
  - (iii) In the event that Ms Alkaben Merajibhai Mali seeks to reside with the petitioner, the Superintendent of Police of District Banaskantha shall ensure that adequate police protection is given to both the petitioner and Ms Alkaben Merajibhai Mali, pending further orders of this Court; and
  - (iv) Pending further orders, there shall be a stay of the operation of the impugned judgment and order dated 10 August 2023 of the Division Bench of the High Court of Gujarat in Special Criminal Application No 8217 of 2023.
- 4 List the Special Leave Petition on 3 October 2023.

**(SANJAY KUMAR-I)**  
**DEPUTY REGISTRAR**

**(SAROJ KUMARI GAUR)**  
**ASSISTANT REGISTRAR**