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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 3151 OF 2026

Safia Sultana]
Aged 21 years, C/o. the Chambers]
of Senior Advocate Mihir Desai,]
at 4th Floor, Hind Rajasthan]
Chambers, 6 Oak Lane, Fort,]
Mumbai – 400 001] Petitioner.
Vs.
1. State of Maharashtra,]
Home Department]
Through its Principal Secretary,]
Mantralaya, Mumbai – 400 001]
]
2. Director General of Police,]
Police Headquarters, Old Council]
Hall, Shahid Bhagat Sigh Marg,]
Mumbai – 400 001.]
]
3. Commissioner of Police, Mumbai,]
Office of the Commissioner of Police,]
Chatrapati Shivaji Terminus Area,]
Fort, Mumbai – 400 001.]
]
4. Senior Police Inspector,]
Tolicowki Police Station,]
Hyderabad, Telangana – 500008.] ... Respondents.

Mr. Mihir Desai, Senior Advocate a/w Ms. Devyani Kulkarni,
Ms. Rishika Agarwal, Ms. Sanskruti Yagnik, Advocates for the
Petitioner.

Ms. M. M. Deshmukh, Additional. P.P. for the Respondents/State.

Ms. Swati Sinha, Advocate for the parents of the Petitioner.

Ms. Saleha Sultana, mother of the Petitioner, present in Court.

Mr. Mohammed Anwar, father of the Petitioner, present in Court.

**CORAM : RAVINDRA V. GHUGE, ACJ. &
GAUTAM A. ANKHAD, J.**

DATE : 2nd JULY 2026

JUDGMENT: (PER GAUTAM A. ANKHAD, J.)

1. Rule. Rule made returnable forthwith and the matter is heard with the consent of the parties.

2. This is an unusual case, where the Petitioner, who is 21 years old has filed this Petition seeking the following reliefs:

- a. *That this Hon'ble Court be pleased to issue a Writ of Mandamus or any other Writ/Order or Direction in the nature of Mandamus directing the Respondents No.1 to 4 to not coerce the Petitioner to return to her parental home against her express wishes;*
- b. *That this Hon'ble Court be pleased to issue a Writ of Mandamus or any other writ/order or direction in the nature of Mandamus directing the Respondents No.1 to 4 to provide protection to the Petitioner against any threats, harassment and harm from her family or any other person acting on their behalf;*
- c. *That this Hon'ble Court be pleased to issue a Writ of Mandamus or any other Writ/Order or Direction in the nature of Mandamus restraining the Respondent No.4 from investigating and taking any coercive action in*

furtherance of any Missing Person Report purportedly filed in relation to the Petitioner.’

3. The Petitioner has completed her education up to 12th Standard in an English medium school. She was residing with her parents at Hyderabad, Telangana. According to the Petitioner, she voluntarily left her parental home on 15th June 2026 as she was unwilling to marry her cousin, who is approximately ten years older than her. She asserts that she aspires to pursue higher education and attain financial independence, but her parents were unwilling to permit her to do so. It is her case that she belongs to an extremely conservative and orthodox family, where she had little freedom to express her views and was subjected to emotional trauma. Following her departure from parental home, her parents lodged a missing person complaint with the Hyderabad Police. Apprehending that she may be compelled to marry against her wishes and alleging threats from her family members, the Petitioner has instituted the present Petition.

4. The matter was thereafter heard at length on 1st July 2026, when this Court passed the following order:

- ‘1. The parents of the Petitioner have appeared before us through a Counsel.*
- 2. After hearing the Petitioner’s narration in the*

Petition, the Counsel informs us that the father of the Petitioner is paralyzed. He is present in the Court. The mother of the Petitioner is willing to tender a personal affidavit that the Petitioner, who is 21 years of age, will not be compelled to get married against her desire, much less, with a person who is twice her age, as is her grievance. She would also state in the affidavit that the further education desired by the Petitioner would not be obstructed and there would be no impediment created in her desire to study further.

3. *Let this affidavit be tendered to the Court tomorrow.*
4. *At the request of the learned Senior Advocate for the Petitioner and the learned Additional Public Prosecutor, as well as the mother, this matter would be heard in our Chambers at 1.30 p.m. tomorrow, i.e. 2nd July, 2026.*
5. *We make it clear that since the Petitioner, as per the learned Senior Advocate, would be travelling on her own and would be coming to the Court Hall tomorrow, the parents, or any of her relatives or the Telangana/Hyderabad Police, would not intercept her and there shall be no contact with her until the hearing in our Chambers.'*

5. Although the Petitioner's parents are not arrayed as Respondents, we permitted them to participate in the proceedings through their learned Advocate, having regard to the nature of the controversy.

6. Pursuant to the order dated 1st July 2026, the Petitioner appeared before us in Chambers. We interacted with her at considerable

length in the absence of her parents so as to ascertain the circumstances in which she had left the parental home. Throughout the interaction, she answered every query with clarity and confidence. She reiterated that she had voluntarily left her residence as she was unwilling to marry against her wishes and desired to pursue higher education. She further stated that her parents were unwilling to permit her to pursue studies abroad, unless she accepted the proposed marriage. She informed us that she is presently self-employed by reviewing books and online content on various social media platforms. We found her to be mature, articulate and fully conscious of the consequences of the decisions that she has taken. She is currently working at an NGO and staying as a paying guest in Mumbai. Nothing emerged during our interaction to suggest that she was acting under any coercion, influence or inducement.

7. The Petitioner clarified that apart from her apprehension of being compelled to marry against her wishes and being prevented from pursuing her education, she has no grievance against her adoptive parents and with whom she has been since the age of 2 months. However, she expressed a genuine apprehension that certain members of her biological family and community may attempt to compel her to return to Hyderabad or otherwise cause harm.

8. We thereafter interacted separately with the Petitioner's adoptive parents, who were represented by learned counsel and were also personally present before the Court, in chambers. The Petitioner's mother tendered an affidavit dated 2nd July 2026, which is taken on record and marked "X" for identification. By the said affidavit, she unequivocally undertook that the Petitioner would neither be compelled nor coerced into marrying against her wishes and that no obstruction would be caused to her pursuing higher education. She further assured the Court that the Petitioner's physical, emotional and mental well-being would be protected if she chose to return to the parental home. These assurances were reiterated by both parents during the course of the hearing.

9. After hearing the Petitioner and her parents separately, we afforded them an opportunity to interact with each other. Accordingly, the matter was kept back for some time. Despite the earnest requests and assurances extended by her parents, the Petitioner unequivocally reiterated that she was not willing to return to her parental home at present. At the same time, she has assured her parents that she would remain in regular communication with them and that they need not have any concern regarding her safety and well-being and should not track her.

10. Having interacted extensively with the Petitioner as well as her parents and having considered the pleadings, we are satisfied that the Petitioner has voluntarily left her parental home and is acting out of her own free will. She is an adult, being 21 years of age and is legally competent to decide where she wishes to reside, whether she wishes to marry and whether she desires to pursue higher education. These are matters of personal choice and a part of rights under Article 21 of the Constitution of India. Neither her parents nor the State can compel her to return to her parental home against her wishes. The assurances stated in the affidavit dated 2nd July 2026 tendered by the Petitioner's parents are accepted. Nevertheless, such assurances cannot override the Petitioner's choices, which she has repeatedly affirmed before this Court.

11. In these circumstances, there is no justification for treating the Petitioner as a missing person or for continuing any coercive process intended to secure her return to Hyderabad. Since we have personally interacted with the Petitioner and are satisfied that she is acting voluntarily, the Telangana Police shall take appropriate steps to close the missing person report lodged by the Petitioner's parents in accordance with law. The Petitioner shall not be compelled, directly or indirectly, to return to her parental home or be subjected to any pressure under the threat of criminal proceedings or otherwise.

12. Accordingly, the **Petition is allowed in terms of prayer clause (a)**. Rule is made absolute in the aforesaid terms.

[GAUTAM A. ANKHAD, J.]

[ACTING CHIEF JUSTICE]

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