

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 5-11-2015

Coram

THE HONOURABLE MR.JUSTICE R.SUDHAKAR
and
THE HONOURABLE MR.JUSTICE P.N.PRAKASH

H.C.P.No.2472 of 2015

Mohammed Hanja @ David Ganaraj .. Petitioner

Vs.

1. The Superintendent of Police,
Perambalur, Perambalur District.
2. The Inspector of Police,
Perambalur Police Station,
Perambalur - 621 212.
3. Ameer Batsha
4. Mohammed Mufith ... Respondents

Prayer : Habeas Corpus Petition filed under Article 226 of the Constitution of India, with a prayer to direct the first respondent to secure the detainee namely Ameer Batsha Mufina Begum, aged about 20 years, who is illegally detained by the 3rd and 4th respondents against her wishes and to produce the detainee before this Court and set her at liberty.

For Petitioner : Mr.T.Dharani

For Respondents 1&2 : Mr.A.N.Thambi Durai,
Additional Public Prosecutor

For 4th respondent : Mr.R.Gokulakrishnan

O R D E R

(Order of the Court was made by P.N.PRAKASH, J.)

It is the case of the petitioner that he got married to Ameer Batsha Mufina Begum/third respondent herein on 25.6.2014, and thereafter his wife has been taken away by her parents.

2. Today the detainee/third respondent was produced before the Court. On enquiry, she submitted that she needs some time to take a decision and until then, she expressed her wish to be with her parents. Her parents have also submitted that they will not force her into divorce.

3. Naji Munisha Banu/mother of the detainee and Mohammed Mufith/brother of the detainee have filed identical affidavit dated 5.11.2015 separately, which reads as follows:

"2. I respectfully submit that the 1st petitioner herein has filed the above Habeas Corpus Petition before this Hon'ble High Court, Madras praying for the relief of Writ of Habeas Corpus and direct the first respondent to produce the detainee viz., Mufina Begum, aged about 20 years and for other consequential orders.

3. I submit that today I have appeared along with my daughter/sister namely Mufina Begum before this Hon'ble High Court for complying with the condition of the Hon'ble High Court order dated 26.10.2015. I further submit that this Hon'ble Court enquired my daughter and directed to me to file a undertaking affidavit for two conditions:-

1. Not to proceed the Divorce Petition till this Hon'ble High Court passes any order.

2. Not to persuade the 2nd marriage till her own decision without any influence from any quarters.

4. I submit that I have obliged the Hon'ble High Court's direction and I have given an undertaking to the effect that,

(A) I will neither compel nor coerce my daughter/sister to persuade the Divorce Petition till this Hon'ble High Court passes any further orders.

(B) Myself and my relatives will not disturb my daughter to give up this marriage and go for second marriage and allow her to take her own decision without any influence from any quarters."

In view of the above undertaking this Court holds that there is no illegal custody of the detainee/third respondent herein.

4. Recording the above undertaking, this petition is closed.

vr

s/d-
Assistant Registrar

True Copy

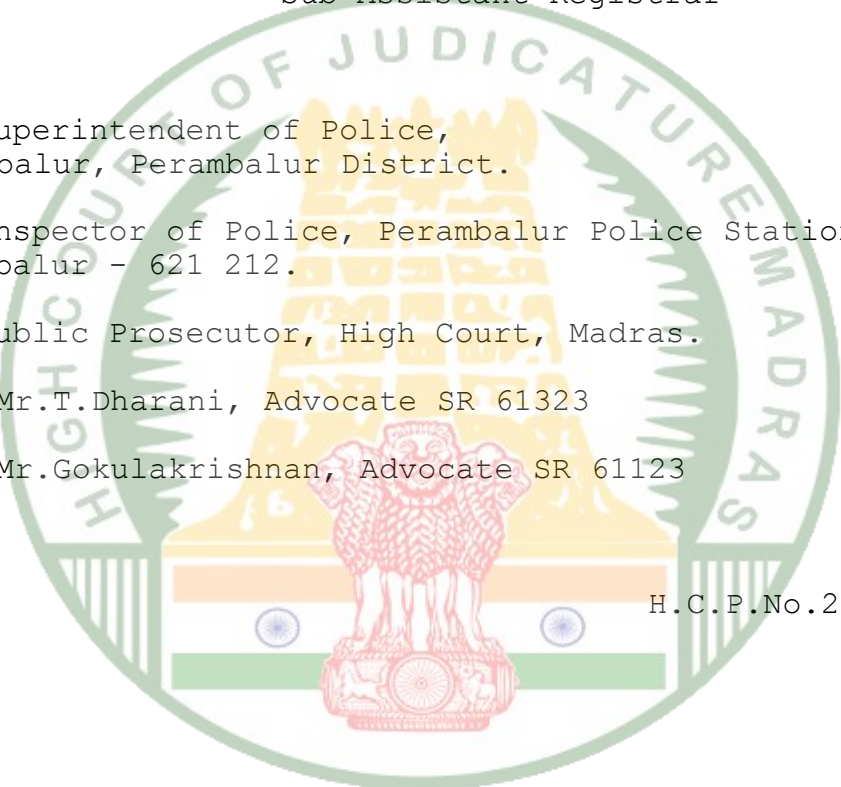
Sub-Assistant Registrar

To

1. The Superintendent of Police,
Perambalur, Perambalur District.
 2. The Inspector of Police, Perambalur Police Station,
Perambalur - 621 212.
 3. The Public Prosecutor, High Court, Madras.
- + 1 cc to Mr.T.Dharani, Advocate SR 61323
+ 1 cc to Mr.Gokulakrishnan, Advocate SR 61123

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H.C.P.No.2472 of 2015

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. The gopuram is flanked by two green trees. The entire emblem is set against a white background with a green border. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a circular path around the emblem. Below the emblem, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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