

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.05.2015

CORAM

THE HONOURABLE MR .JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

H.C.P.No.1206 of 2015

Mohamed Musthaba

...Petitioner

Vs.

1. The Inspector of Police,
S 10, Pallikkarana Police Station,
Pallikkarana, Chennai-600 100

2. Sri.E.Padmanaban

...Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus, directing the respondents to produce the petitioner's wife Mrs.P.Vijayalakshmi before this Hon'ble Court and set her at liberty forthwith.

For Petitioner : Mr.M.M.Abdul Razak

For Respondents : Mr.S.Shanmugha Velayutham,
Public Prosecutor

ORDER

(Order of the Court was made by R.SUBBIAH, J.)

This habeas corpus petition has been filed by one Mohamed Musthaba claiming himself to be the husband of the detinue, viz., Mrs.P.Vijayalakshmi, aged about 25 years, who is said to be in the illegal custody of the second respondent.

2. The petitioner is a Post Graduate degree holder. It is the case of the petitioner that he and the detinue belonged to different religions. Both of them are in love with each other. Since both of them belonged to different religions, the parents of

the detenue were objecting to their relationship. The detenue was detained in her house for about three months. It is also the case of the petitioner that he married the detenue on 12.12.2014. Since the detenue is now under the illegal custody of the second respondent, the present habeas corpus petition has been filed.

3. Today the detenue - Ms.P.Vijayalakshmi is present before this Court. The mother of the detenue is also present.

4. When enquired, the detenue stated that she is a major and her date of birth is 30.04.1990. She denied her marriage with the petitioner. She has also stated that she is not under the illegal custody of anybody and she has totally denied the averments in the petition.

5. The above statement of the detenue is recorded. In view of the categorical statement made by the detenue, a major, that she is not under the illegal custody of anybody and she is willing to go along with her parents, nothing further remains to be considered in this petition. Accordingly, the Habeas Corpus Petition is closed. The detenue is set at liberty. The petitioner is at liberty to work out his remedies in the manner known to law.

Sd/-
Deputy Registrar(J)

//True Copy//

Sub Assistant Registrar

msk

To

1. The Inspector of Police,
S 10, Pallikkarana Police Station,
Pallikkarana, Chennai-600 100

2. The Public Prosecutor,
High Court, Madras.

2CCs to Mr.M.M.Abdul Razak, Advocate SR.No. 25067

H.C.P.No.1206 of 2015

KU (CO)

PSI (14.05.2015)