



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P (MD) No.1156 of 2015

Jahir Hussain

.. Petitioner

Vs.

1. State represented by the
The Commissioner of Police,
Madurai District, Madurai.

2.The Inspector of Police,
S.S.Colony Police Station,
Madurai District, Madurai.

3.Rajkumar

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to direct the respondents Nos. 1 and 2 to produce the person or body of the detainee namely Salma, D/o.Jahir Hussain, aged 20 years, before this Court and set her at liberty.

For Petitioner	: Mr.S.M.A.Jinnah
For Rr 1 & 2	: Mr.K.S.Duraipandian
	Additional Public Prosecutor.
For R3	:No appearance

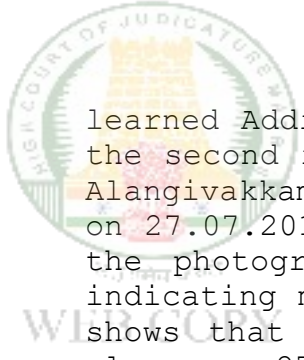
O R D E R

[Order of the Court was made by **S.NAGAMUTHU,J**]

The petitioner is the father of one Salma, aged at 20 years. According to the petitioner, Ms.Salma has been missing from 25.02.2014. The petitioner alleged that the third respondent has abducted her. In these circumstances, the petitioner has come up with this petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State. We have also perused the records carefully.

3. It is brought to our notice that in connection with the missing of Ms.Salma, a case has been registered by the second respondent in Crime No. 691 of 2015 on 25.07.2015 for 'woman missing'. It is submitted by the



learned Additional Public Prosecutor that in the course of investigation, the second respondent has located Ms.Salma, at 1/76, Perumal Kovil Theru, Alangivakkam, Senguntram, Chennai. She has given a statement stating that on 27.07.2015, she married the third respondent. She has also handed over the photographs showing her with the third respondent with garlands indicating marriage and a marriage certificate has also been produced. It shows that the marriage between Ms.Salma and the third respondent took place on 27.07.2015 and the same was registered on the of the of the marriage Registrar, District Registrar Office, Chennai. The serial number of the marriage as per the certificate is 2094 of 2015.

4. The learned Additional Public Prosecutor would further submit that Ms.Salma has refused to accompany the police to the Court on health ground, because, according to her, she is now pregnant. The learned Additional Public Prosecutor would further submit that the police cannot force her to accompany them to go over to this Court, because it may be detrimental to her health. The said statement is recorded.

5. In view of the above, since we are satisfied that the marriage of Ms.Salma with third respondent has taken place and that she is now living with him in Chennai, we find that there is no scope to give any direction as prayed for in this petition. Therefore, this petition is dismissed as infructuous. However, the petitioner is at liberty to work out his remedy before the Civil Court.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

pjl/ses

To

1. The Commissioner of Police,
Madurai District, Madurai.

2.The Inspector of Police,
S.S.Colony Police Station,
Madurai District, Madurai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

GJM/JGB/DP/SARI-22.9.15-2P-4C

ORDER MADE IN
H.C.P (MD) No.1156 of 2015
03.09.2015