

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No. 36415 OF 2015

18-11-2015

Between:

Pathan Mustaq Ahamed Khan

... Petitioner

And

The State of Andhra Pradesh, Home Department, Secretariat, Hyderabad, rep., by
its Secretary and others

... Respondents

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

-

WRIT PETITION No. 36415 OF 2015

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

This Habeas Corpus writ petition is filed by one Pathan Mustaq Ahamed Khan, son of P. Sayed Khan, seeking production of his wife Smt. Shaik Neha Tabassum, alleging that respondent No.4 has illegally detained her.

Today, the petitioner, respondent No.4 and Smt. Tabassum are present in the Court. In the morning, we made an attempt to interact with Smt. Tabassum in the Court and when we found that she was scared and not able to speak in the open Court, we kept this matter in the Chamber at 01.15 PM. In the Chamber, we interacted with Smt. Tabassum, the petitioner and respondent No.4 independently in the presence of their advocates. When we started interacting with Smt. Tabassum, she requested to ask lawyers to go out of the Chamber. The lawyers accordingly went out. Only Court Officer was present in the Chamber.

Smt. Tabassum is 21 years old and we found her to be absolutely matured girl. She has done four years B. Pharma Course. She categorically stated that she would like to join her husband and that respondent No.4 and other family members including her maternal uncles are bringing pressure on her not to join him. She again and again stated that she would like to join the petitioner – husband. We also interacted with her husband independently. He is 43 years old and already married once. He is working in the Vigilance and Enforcement Department, Government of Andhra Pradesh as Agricultural Officer. He stated that his first wife does not stay with him and he has already given her notice for seeking divorce. We also confirmed all these facts from Smt. Tabassum and it appears that she is aware of the first wife of the petitioner and the notice given by him to her. Despite all this, she expressed her desire to join the petitioner as his wife. The father of

Smt. Tabassum stated that since the age difference between the petitioner and his daughter is more, they are against the marriage and, therefore, he would not like his

daughter to join him as his wife. This being Habeas Corpus writ petition, we cannot examine any other aspect, except the fact whether Smt. Tabassum is detained by respondent No.4 against her wish. In our opinion, she has been detained by respondent No.4 against her wish, giving threat of her life. The petitioner seems to be capable of taking her care.

In the circumstances, we allow this writ petition.

Smt. Tabassum is allowed to go with the petitioner. Since there is a threat to her life, we direct learned Government Pleader to provide police protection to her and the petitioner till they leave the premises of the High Court in the petitioner's car. It is open for them to seek police protection if they so desire at the place where they would live together. If any such application is made, we hope and trust that the concerned police station shall provide police protection to them on usual terms.

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

18-11-2015

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