

In the High Court of Judicature at Madras

Dated: 11.01.2016

Coram

The Honourable Mr.JUSTICE R.SUDHAKAR
and
The Honourable Mr.JUSTICE P.N.PRAKASH

Habeas Corpus Petition No.3198 of 2015

Shaik Mohamed

.... Petitioner

Vs.

1. The State rep. by
The Inspector of Police,
Karaikal Town Police Station,
Karaikal.

2. I. Hussain Irshad Ahamed

3. K.A.Ibrahim Maricar

4. Hameetha Banu

.... Respondents

PETITION under Section 226 of The Constitution of India praying for the issuance of Writ of Habeas Corpus to direct the respondents to produce the body of the detainee namely Aaisha Jamine D/o Shaik Mohamed, aged 28 years, resident of 74/1, Mamathambi Maricar Street, Karaikal, before this Court and set her at liberty.

For Petitioner : Mr.S.Sounthar

For Respondents: Mr.Y.Balamurugane (Pondy)
Addl. Public Prosecutor - R1
Mr.M.Imthiyas - R2 to R4

O R D E R

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

This Habeas Corpus Petition is filed by the father of the detainee, Aaisha Jasmine seeking direction to respondents to produce the detainee before this Court and set her at liberty.

2. It is the case of the petitioner that his daughter Aaisha Jasmine got married to Hussain Irshad Ahamed - second

respondent herein on 01.11.2015 and they were living together in their matrimonial home in Karaikal. It is represented that the detinue and the second respondent are French citizens and that the second respondent is working in Geneva. He had left the detinue with his parents at Karaikal pending arrangements to take her to Geneva. During that period, it is alleged by the petitioner that the detinue was ill treated by her in laws and that they were not permitting him to meet her. Hence, after lodging a police complaint, the present Habeas Corpus Petition has been filed.

3. On notice, respondents 2 to 4 have entered appearance and refuted the allegations made in the affidavit filed in support of this petition by the petitioner.

4. Today, the detinue was produced. The petitioner, the second and third respondents were also present. We referred the detinue to Mediation Centre in the forenoon session and took up the case in the afternoon session in the Chambers. On enquiry, the detinue expressed her desire to go with her father - the petitioner herein and has also stated that she would speak to her husband in sorting out the matrimonial issues.

5. We enquired the second respondent and his father, who stated that they are citizens of France and wanted to take their daughter-in-law after completing certain Governmental formalities. But in the meantime, their relationship soured and this petition has been filed. They also stated that they wanted to settle the matrimonial dispute once and for all.

6. Since the detinue is major and has expressed her desire to go with her father, we set her at liberty to go with her father. The detinue and the second respondent are at liberty to work out their matrimonial dispute amicably.

Accordingly, this Habeas Corpus Petition stands closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Karaikal Town Police Station,
Karaikal.

2. The Public Prosecutor,
(Pondicherry), High Court,
Madras.

+1 cc to Mr.S.Sounthar, Advocate, sr.2106
+1 cc to Mr.M.Imthias, Advocate, sr.2189

H.C.P.No.3198 of 2015

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kra 27.01.2016



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