

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
and
THE HONOURABLE MR. JUSTICE S. NAGAMUTHU

H.C.P.No.119 of 2016

Mr.Sushil Kumar Tiwari

... Petitioner

vs.

1.The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai.

2.Mohamed Nazeeruddin Siddique ... Respondents

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Habeas Corpus directing the first respondent to produce the body of the person of the detenu, petitioner's daughter Komal Diwari, daughter of Sushil Kumar Diwari, who is aged about 23 years, before this Court.

For Petitioner : Mr.M.Jaikumar

For Respondents: Mr.V.M.R.Rajentren,
Addl. Public Prosecutor
for R1

O R D E R

(Order of the Court was made by M.JAICHANDREN, J.)

This habeas corpus petition has been filed praying that this Court may be pleased to direct the first respondent to produce the daughter of the petitioner, namely, Komal Diwari, aged about 23 years, before this Court and to set her at liberty.

2. The petitioner is the father of the detenu. He had stated that the second respondent had abducted the detenu, on 15.10.2015, contrary to her wishes. Therefore, the petitioner had lodged a complaint, before the first respondent police. The said complaint had been registered, in Crime No.1200 of 2015. Since no effective steps have been taken by the first respondent, to trace the detenu, the petitioner has preferred the present habeas corpus petition.

3. Today, when the matter had been listed for hearing, the first respondent police had produced the detainee before this Court. The parents of the detainee were also present. On enquiry, the detainee had stated that she had married the second respondent and the said marriage had been registered, in the office of the District Registrar, Chennai (North), on 07.10.2015. A copy of the said certificate of registration of marriage had also been produced before this Court.

4. Though this Court thought it fit to send the detainee and her parents, to the Tamil Nadu Mediation and Conciliation Centre, High Court Madras, to try and arrive at an amicable settlement, there was no agreement amongst the parties concerned. In such circumstances, as the detainee is a major and as she had expressed her willingness to go along with the second respondent, who is said to be her husband, we do not find any reason to grant the relief prayed for by the petitioner, in this habeas corpus petition. Hence, the habeas corpus petition stands dismissed. The detainee is at liberty to go along with the second respondent, as per her wish. As the detainee had expressed an apprehension that she and her husband may be harmed, by some of her relatives, the first respondent police shall give appropriate protection to the detainee, as well as to the second respondent, if such a request is made by them.

Sd/-
Assistant Registrar (CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai.

2. The Additional Public Prosecutor
High Court, Madras.

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