

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2016

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN
and
THE HON'BLE MR.JUSTICE S.BASKARAN

H.C.P.No.2480 of 2016

Kifayathullah Sha

... Petitioner

Vs

1. The Commissioner of Police,
Chennai.

2. The Inspector of Police,
D-4, Jam Bazaar Police Station,
Chennai-600 002.

3. G.Mahavir Bafna

4. Varsha

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents herein to produce the petitioner's wife Rahi Fathima, aged about 22 years, now under illegal custody of the third and fourth respondents herein, before this Court and to set her at liberty.

For Petitioner : Mr.K.Ashok

For Respondents : Mr.V.M.R.Rajentren
Additional Public Prosecutor
for RR1 and 2

ORDER
[Order of the Court was made by S.BASKARAN, J.]

Heard the learned counsel appearing on behalf of the petitioner, as well as the learned Additional Public Prosecutor appearing on behalf of the respondents 1 and 2.

2. As the detinue was produced, this matter has been listed today, by way of a special list.

3. The petitioner, who claims to have married the detenue, has come forward with this petition, seeking a direction to the respondents to produce the detenue before this Court and to set her at liberty.

4. The petitioner has stated that he married the detenue, who is a Jain by birth and their marriage had been registered, on 17.10.2016, at the Sub Registrar Office, Periamet. He had also stated that the name of the detenue was changed, from Kiran Kumari @ Kiran into Rahi Fathima. According to him, only after her name change was effected, their marriage was registered, on 17.10.2016. The petitioner had also produced documents to show that their marriage was certified by the Government Chief Kazi, Chennai. A copy of the Government gazette, relating to the name change, is also placed before this Court.

5. Today, the detenue was produced before this Court by the respondent police. The third respondent was also present. On enquiry, the detenue had categorically stated that she is in love with the petitioner for the past five years and she had changed her name from Kiran Kumari @ Kiran into Rahi Fathima and that she married the petitioner. She had also expressed her desire to go along with the petitioner herein.

6. In view of the submissions made by the learned counsels appearing for the parties concerned and in view of the submissions made by the detenu, it is apparent that the detenue is a major. Since she had expressed her desire to go along with the petitioner and that she had married the petitioner, as evidenced by the marriage registration certificate placed before this court, the detenue is permitted to go along with the petitioner, as per her desire. Since the detenue had expressed some apprehension about the safety of the petitioner and herself, the second respondent police is directed to provide her and the petitioner necessary protection, if a request is made to them. This Habeas corpus Petition stands closed, accordingly.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vvk

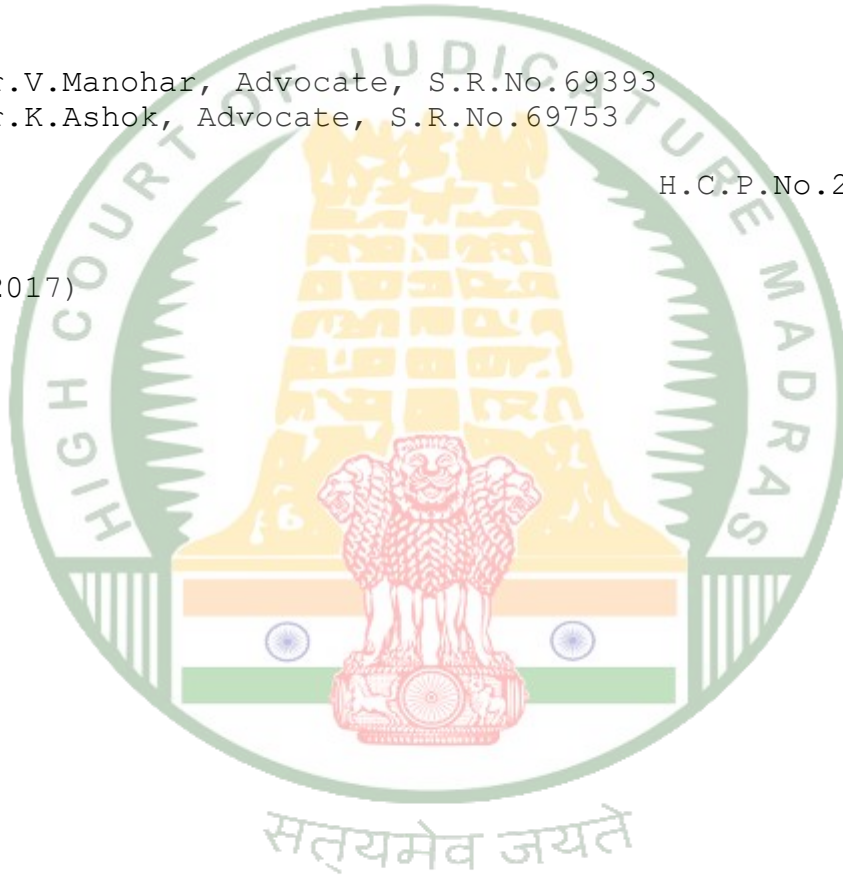
To

1. The Commissioner of Police,
Chennai.
2. The Inspector of Police,
D-4, Jam Bazaar Police Station,
Chennai-600 002.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Manohar, Advocate, S.R.No.69393
+1cc to Mr.K.Ashok, Advocate, S.R.No.69753

H.C.P.No.2480 of 2016

NM(CO)
CA(05/01/2017)



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