

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-03-2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
AND
THE HONOURABLE MRS.JUSTICE S.NAGAMUTHU

H.C.P.No.383 of 2016

Aneesur Rahman Quraishi ... Petitioner/Husband of
the detenue
Versus

1. The Commissioner of Police,
Vepery, Chennai.

2. The Inspector of Police,
Ice House Police Station,
Ice House, Chennai.

3. M.V.Krishnamoorthy ... Respondents.

Prayer: Petition filed under Article 226 of the Constitution of India, praying for a Writ of Habeas Corpus, to direct the respondent to produce the body of the detenue the petitioner's wife, namely, Yuvarani @ Shaheen Fathima, aged about 21 years before this Hon'ble Court and set her at liberty.

For Petitioner : Mr.K.Semmalai

For Respondents: Mr.V.M.R.Rajendran
Additional Public Prosecutor (R1 & R2)

ORDER

This Habeas Corpus Petition has been filed, praying that this court may be pleased to direct the respondent police to produce the detenue, namely, Yuvarani @ Shaheen Fathima, aged about 21 years, before this court and to set her liberty.

2. The petitioner has stated that he has completed B.Com Degree course. Thereafter, during the year 2012, he had joined ICMA course, at Egmore. While doing his ICMA course, he had met Yuvarani @ Shaheen Fathima, the detenue herein. As they had developed affection towards each other, they had got married and registered their marriage, on 11.5.2015. After the marriage

which was held on 19.5.2015, Yuvarani @ Shaheen Fathima, had converted herself to Islam religion. She had also changed her name as Shaheen Fathima and thereafter, they had been living together, in their matrimonial home, happily. However, on 14.11.2015, after the petitioner had left to Dubai, the parents of the detainee had taken her away, on 15.1.2016. Thereafter, the petitioner had lodged a complaint before the second respondent Police, on 27.2.2016, and he had been issued with CSR Receipt No.134 of 2016, dated 27.2.2016. However, as no effective steps had been taken, by the respondent police, to trace the detainee, the petitioner has preferred the present Habeas Corpus Petition before this Court.

3. Today, when this matter had been listed in the special list, the detainee had appeared before this court and had stated that she likes to go along with her parents, as she is being tortured by the petitioner. She had further stated that her passport and other original certificates relating to her educational qualifications are with the petitioner. She had also stated that her date of birth is 16.5.1995.

4. The learned counsel for the petitioner had stated that the parents of the detainee had taken her and exerted pressure on her to leave the petitioner and therefore, she has left the petitioner against her wishes. However, we do not find any reason to accept the said submission made by the learned counsel appearing on behalf of the petitioner, at this stage.

5. We are of the considered view that, in view of the facts and circumstances of the case, there is no illegal custody of the detainee, as alleged by the petitioner. As the detainee, who is a major, is willing to go along with her parents, we find that no further orders need be passed in the present Habeas Corpus Petition. Hence, the Habeas Corpus Petition stands closed. However, it is left open to the petitioner to seek his remedies, if any, before the appropriate forum, in the manner known to law. The detainee is at liberty to go along with her parents, as per her wish.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

csh

To

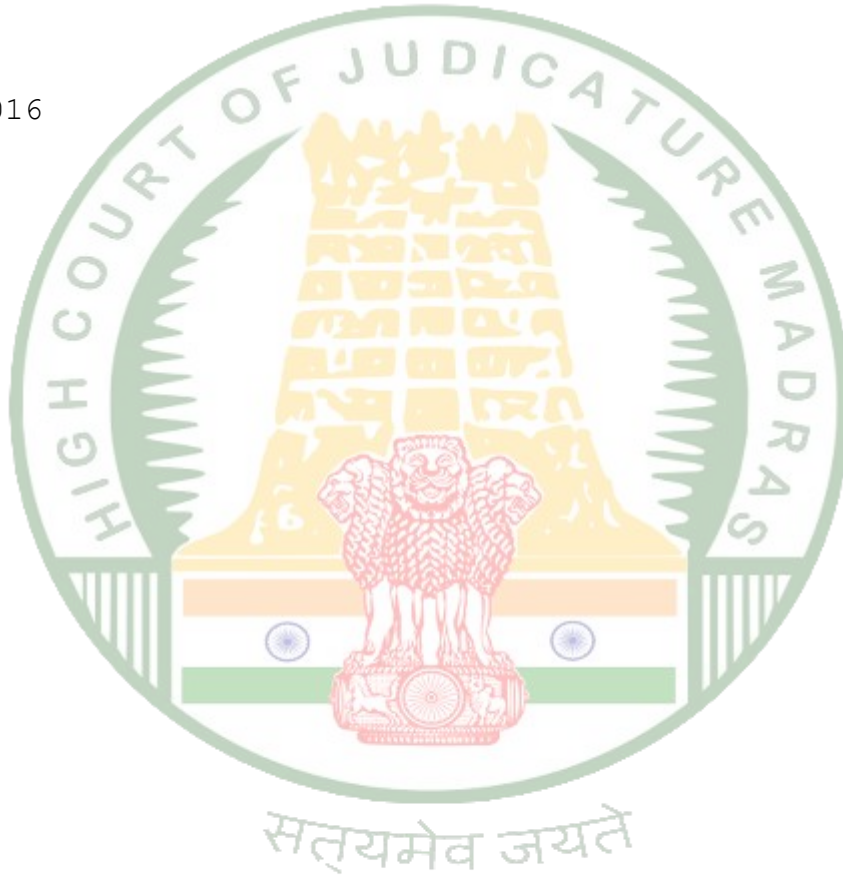
1. The Commissioner of Police,
Vepery, Chennai.

2. The Inspector of Police,
Ice House Police Station,
Ice House, Chennai.

+1 cc to Mr.K.Semmalai Advocate sr.16223/16

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