



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

H.C.P. (MD) No.1325 of 2016

Fathima

... Petitioner

-VS-

1.The Superintendent of Police
Madurai District, Madurai

2.The Inspector of Police
Silaimaan Police Station
Madurai District

3.Abdul Vahaf

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to direct the respondents 1 and 2 to produce the person or body of the detenu, namely, Sabiya, daughter of Shajakhan, aged 21 years, before this Court and set her at liberty.

For Petitioner : Mr.S.Muniyandi

For Respondents : Mr.A.Ramar

Addl.Public Prosecutor for R1 & R2

O R D E R

[Order of the Court by M.SATHYANARAYANAN, J.]

The petitioner is the mother of the detenu, namely, Sabiya, aged about 21 years and she was born on 13.04.1995. The petitioner would state that her daughter had completed D.Pharm Course and she is working as a Pharmacist in Srinivasan Nursing Home, Madurai, and in connection with her employment, on 27.09.2016, she went to the Nursing Home, but she did not return back and the petitioner was informed by the second respondent Police that her daughter / detenu went along with the third respondent and they got married and on an enquiry, the petitioner came to know that her daughter is under the control of the third respondent without her consent and the third respondent is also a notorious criminal in his locality and he is also having bad antecedents and being a parent, she was not allowed even to talk with her daughter and though the petitioner has lodged a complaint, in this regard, before the second respondent Police,



they have not taken any action and hence she has filed this habeas corpus petition.

2. The detenu is produced before this Court by the second respondent Police and this Court made an enquiry with her and she would state that she was born on 13.04.1995 and after completion of D.Pharm Course, she got employment in Srinivasan Nursing Home, Madurai and as on date, she is working there and out of her own volition, she married the third respondent and their marriage was performed as per Islamic Rites and she is willing to go only with the third respondent, who she claims to be her husband.

3. This Court has also put a specific question to the petitioner / mother as well as her son / brother of the detenu, who are also present before this Court, as to whether the third respondent is threatening them and they replied that when they made an attempt to take the detenu from his custody, the third respondent threatened them with dire consequences.

4. This Court has heard the submissions of the parties as well as the learned counsels on their behalf.

5. In the light of the fact that the detenu is aged about 21 years and according to her, out of her own volition, she married the third respondent and as on today, both of them are living as husband and wife, this Court is of the view that the detenu is not in illegal custody of the third respondent. If the parents or brother of the detenu faces any harassment or any other illegal / unlawful activities from the third respondent, they are at liberty to work out their remedy in the manner known to law before the competent forum. This Habeas Corpus Petition is disposed of accordingly.

Sd/-

Assistant Registrar (P&A)

/True copy/

Sub Assistant Registrar

To:

- 1.The Superintendent of Police, Madurai District, Madurai.
- 2.The Inspector of Police, Silaimaan Police Station, Madurai District.
- 3.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.S.MUNIYANDI, Advocate, SR No.58407

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