

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2017

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN
and
THE HON'BLE MR.JUSTICE T.MATHIVANAN

H.C.P.No.28 of 2017

Dilip Kumar

.. Petitioner

Vs

1. The State,
represented by the Commissioner of Police,
Greater Chennai,
Vepery, Chennai-600 007.
 2. The Assistant Commissioner of Police,
Avadi Range,
Avadi, Chennai-600 071.
 3. The Inspector of Police,
T-6, Avadi Police Station,
Avadi, Chennai-600 071.
 - 4.T.S.Zahir Hussain
 - 5.Syed Anwar Jamal
- .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS, directing the respondents 1 to 3 herein to produce the body and person of the detainee, Mrs.Zeenath Beevi, aged about 19 years, the wife of the petitioner, before this court and to set her at liberty.

For Petitioner : Mr.K.Balaji

For Respondents : Mr.V.M.R.Rajentren, APP for RR1 to 3
Mr.P.Vijendran for R-4

ORDER

[Order of the Court was made by T.MATHIVANAN, 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 to 3 and the learned counsel appearing on behalf of the fourth respondent.

2 The petitioner herein claims to be the husband of the detinue, namely, Zeenath Beevi. The fourth respondent herein is her father, whereas the fifth respondent is her paternal uncle. The petitioner has stated that he had married the detinue, on 16.10.2016, according to the Hindu customs, in a temple, at Melmaruvathur. The petitioner has further stated that the fourth and the fifth respondents had, illegally, detained the detinue, against her will. Therefore, the petitioner has approached the third respondent police and based on his complaint, CSR No.265 of 2016 was assigned. However, no action was taken. The petitioner has, therefore, approached this court with this petition.

3 Today, the detinue was produced before this court by the fourth respondent, being her father. On enquiry, the detinue states that now, she has been staying in a hostel and pursuing her studies. However, she states that she is not in illegal detention of her father. The detinue further states that she wants to go along with her father, the fourth respondent herein.

4 It is understood from the records that the petitioner has not yet attained the age of 21 years, which is the prescribed age for marriage, and therefore, still he is under the line of 21 years. But, the detinue is aged about 19 years and has thus attained majority. Hence, we find it appropriate to permit the detinue to go along with her father, as per her wish. Accordingly, the detinue is permitted to go along with her father, the fourth respondent herein, as per her wish. Since no further orders are necessary, this Habeas Corpus Petition is closed.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai-600 007.
2. The Assistant Commissioner of Police,
Avadi Range,
Avadi, Chennai-600 071.

3. The Inspector of Police,
T-6, Avadi Police Station,
Avadi, Chennai-600 071.

4. The Public Prosecutor,
High Court, Madras.

+1 CC to K. Balaji, Advocate sr 9862

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RR(CO)
sp/10/3



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