

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

and

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

H.C.P. No.315 of 2017

M.Ahamed Raseen

.. Petitioner

vs.

1. The State
rep. by the Inspector of Police,
R-2, Kodampakkam Police Station,
Veppery,
Chennai - 600 007.

2. Mrs.Sameem

.. Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying to produce the Petitioner's friend Ayisha Nasreen, D/O Mr. Iqbal, aged about 24 Years, now illegally detained by respondent before this Court and set her liberty for the its.

For petitioner : Mr.P.Pugalenth
For respondents : Mr.V.M.R.Rajentren, (for R1)
Additional Public Prosecutor.

सत्यमेव जयते
O R D E R

(Order of the Court was made by S.MANIKUMAR, J.)

Alleging that the petitioner had fallen in love with the alleged detainee Ayisha Nasreen, daughter of Mr.Iqbal and when there was a proposal for marriage, the 2nd respondent/father disagreed and detained her, writ of Habeas Corpus Petition, is filed.

2. In similar circumstances, following the judgements of the Hon'ble Kerala High Court in Dr.Lal Parameshwar Vs. Ullas N.N.Nadupurakkal and others, reported in 2014 CrI.L.J. 1921 and Prasadkumar Vs. Ravindran, reported in 1992 (1) KLT 729, a Hon'ble Division Bench of this Court in HCP No.118 of 2014, in the matter of M.Senthil Muthu Vs. The Superintendent of Police,

Dindigul District and 5 others, vide order dated 22.09.2014, to which one of us (S.Manikumar,J.) is a member, has dismissed the said writ petition. On the facts and circumstances of the present case, we deem it fit to extract the decisions stated supra.

"5 This Court deems it fit to extract observation from the judgment of the Hon'ble Division Bench of Kerala High Court in Dr.Lal Parameshwar vs. Ullas N.N.Nadupurakkal and others, reported in 2014 CrI.L.J. 1921.

"We agree that like in any other sphere of life, there has been changes in the social and moral values. Ours is a society which has recognised freedom to every citizen. But then, these changes that we proudly talk about, and the liberties that are guaranteed to our citizens, cannot be stretched beyond limits nor can such freedom be made weapons to destroy our fundamental values or social establishments like families, which, undoubtedly, concede authority on parents to advise and guide their children. We cannot accept as a general principle that the parents are in all circumstances, bound to concede absolute decisional autonomy to their children, even if they have attained majority and remain helpless even in situations where their wards have taken wrong and immature decisions, which will be disastrous not only to the wards themselves but also to the family itself. Such parental authority, except in cases such as those pointed out by the Chancery Division and approved in Sadanandan's case, should be out of bounds for a writ court, because it is exercised for the ultimate benefit of the ward. It may be to the dislike of the ward, who may resist it and even turn hostile to the parents. But, such immature reactions should not be allowed to influence our judgment, since the ultimate aim and purpose of all these exercise is the welfare of the ward. This Court therefore should, except in extra ordinary situations, loathe interference in cases where the natural parental authority is exercised to the dislike of a lover or even the ward. For these reasons, we find ourselves unable to follow the judgment in Rajmohan's case (supra) and would follow the earlier judgments."

6 In the decision reported in Prasadkumar v. Ravindran (1992 (1) KLT 729) it is

stated thus:

"It cannot be said that having control and supervision of an aged girl by the parents will amount to illegal custody warranting the issue of a writ by this Court. Parents will naturally be interested in the welfare of their children and unless there are extraordinary circumstances, normally they will be the proper persons to take decisions concerning the career and future of their children. Parents will be entitled to have control over the children, especially if they are daughters, to protect them from the vagaries of adolescence."

7. For the reasons, stated supra, the Writ of Habeas Corpus Petition is dismissed. No costs."

3. Following the decision made in HCP No.118 of 2014, dated 22.09.2014, present writ petition is dismissed. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

1. The Inspector of Police,
R-2, Kodampakkam Police Station,
Veppery,
Chennai - 600 007.

2. The Public Prosecutor,
High Court, Madras.

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HCP No.315 of 2017

MG(CO)
VR(13/03/2017)