

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2017

CORAM

The Hon'ble Mr.Justice Nooty. Ramamohana Rao
and
The Hon'ble Mr.Justice S.M.Subramaniam

H.C.P.No.832/2017

Murugan

...Petitioner

vs.

1. State represented by
The Inspector of Police,
All Women Police Station,
Tiruppur North, Tiruppur.

2. Rahamath W/o.Umar,
Fancy Quarters, Mullampara,
Thadathilparambu,
Manjeri, Malapuram District,
Kerala State.

...Respondents

Habeaus Corpus Petition filed under Article 226 of the Constitution of India, praying for a direction, directing the first respondent to produce the detenue, by name Sabitha @ Fathima Zora, and the petitioner's children viz., Santhosh and Sona, who are now detained by the 2nd respondent.

For petitioner : Mr.C.Prakasam

For Respondent-1 : Mr.V.M.R.Rajendran,
Additional Public Prosecutor

For Respondent-2 : No appearance.

O R D E R

(Order of the Court was delivered by Nooty. Ramamohana Rao, J.)

This Writ Petition is instituted for production of a married individual, called 'Sabitha @ Fathima Zora', and two young children, viz., Santhosh and Sona, who were illegally detained by one Rahamath, W/o.Umar, Fancy Quarters, Mullampara, at Thadathilparambu, Manjeri, Malapuram District, Kerala State.

2. Today, the Inspector of Police, All Women Police Station, Tiruppur North, Tiruppur, produced before us, the alleged detainee, Sabitha @ Fathima Zora along with her two children viz., Santhosh and Sona. We have interacted with Mrs.Fathima Zora. She has stated before us that, she has, on her own, left the company of the writ petitioner, because of the intolerable attitude adopted by him, whereas, the writ petitioner alleges that, it is mother of his wife, who is meddling into their lives, and responsible for separating his wife and children from him. However, in view of the fact that the Police have produced before us the alleged detainee and her two minor children, (a son and daughter) and the alleged detainee, Fathima Zora, being very articulate, and clear in her expressions in stating that, she has left the company of the writ petitioner, entirely on her volition, and due to compelling circumstances, for which, she alleges that the writ petitioner is responsible, we do not wish to pronounce or express any opinion on the allegations and counter allegations made by and between the parties for the present. We are satisfied that the alleged detainee has left the company of the writ petitioner entirely on her own, but not under the compulsion or coercion of anyone else. We are also satisfied that the alleged detainee is living on her own, and hence the prayer, as sought for in the Writ Petition, cannot be granted.

3. It is open to the parties to sort out the dispute interceded between them, by approaching the competent Court of civil jurisdiction, preserving the rights of the respective parties, and recording the hope that without being influenced by any of the observations made by us hereinabove, any such Court would deal with the issue brought before it objectively and duly on merits, we dispose of this Writ Petition without costs.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

To

1. The Inspector of Police,
All Women Police Station,
Tiruppur North, Tiruppur.

2. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.C.Prakasam,Advocate sr.39438

H.C.P.No. 832/2017

ss (21/6/2017)