



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2017

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

H.C.P. (MD) No.1607 of 2017

Mohamed Safiullah

: Petitioner

vs.

1. The Commissioner of Police,
O/o. Commissioner of Police,
Madurai City,
Madurai - 625 007.

2. The Inspector of Police,
All Women Police Station,
Thilakar Thidal
Madurai City
Madurai.

3. Sreenivasan

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to direct the respondents 1 and 2 to produce the person or body of the petitioner's wife namely Swetha, daughter of Sreenivasan aged about 25 years old and set her at liberty.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.C.Mayilvahana Rajendran
for R1 and R2 Additional Public Prosecutor

for R3 : Mr.R.Gandhi

**ORDER**

[Order of the Court was made by **R.SUBBIAH, J**]

This petition has been filed by the petitioner directing the respondents to produce the detenu, Swetha aged 25 years. In the affidavit, it is averred that the detenu is the classmate of the petitioner and they fell in love and they have decided to marry. However, since the petitioner belongs to Muslim religion and the detenu belongs to Hindu Religion, the third respondent strongly opposes the marriage. Therefore, on 13.09.2017, it is alleged that the petitioner and the detenu got married by way of deed of marriage contract document in the presence of a Notary Public. Thereafter, the third respondent's family members detained the detenu under their illegal custody. Hence, the petitioner lodged a complaint to the 2nd respondent on 19.09.2017 and requested the police to take action against the third respondent. Since no effective steps were taken, the petitioner is before this Court.

2. Today, when the matter was taken up for consideration, the detenu has been produced by the respondent police. When we enquired, she categorically stated that she is not in the illegal custody of the third respondent. We have also enquired the petitioner.

3. Since the detenu expressed her willingness to go with her father/third respondent and she is not under the illegal custody of anyone, we are left with no other option except to close this Habeas Corpus Petition. Accordingly, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of Police,
O/o Commissioner of Police,
Madurai City,
Madurai - 625 007.



2. The Inspector of Police,
All Women Police Station,
Thilakar Thidal
Madurai City, Madurai.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.R.GANDHI, Advocate SR.No.87597.

+1cc to M/S.R.KARUNANIDHI, Advocate SR.No.87561.

Order made in
H.C.P. (MD) No.1607 of 2017
16.11.2017

RR

SDS/SKN:RSK/SAR 1/24.11.2017/3P/6C