



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2017

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

H.C.P.[MD].No.72 of 2017

M.Kathoon Sariba

: Petitioner

Vs.

1. The Superintendent of Police,
Sivagangai District,
Sivagangai.
2. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai.
3. Jeya Karthick
4. Nirmala
5. Sowmiya

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the first and second respondents to produce the person or body of the detainee namely M.Habiba Selma (19 years), D/o.Mohammed Farooq, from the illegal custody of the respondents 3 to 5 before this Court and set her at liberty.

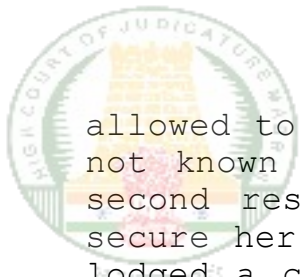
For Petitioner : Mr.V.Santhakumaresan

For Respondents 1&2 : Mr.K.S.Duraipandian
Additional Public Prosecutor

O R D E R

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

The present Habeas Corpus Petition has been filed by the mother of the detainee viz., M.Habiba Selma, D/o.Mohammed Farooq, aged about 19 years, stating that the detainee was working as Nurse in Hemalatha Sabarirajan Clinic in Sivagangai and on 13.12.2016, the fourth and fifth respondents came to the petitioner's house and took her daughter along with them and when the petitioner saw the detainee at the house of the fourth respondent along with the third and fifth respondents and made an attempt to speak with her, she was not



allowed to speak and thereafter, the whereabouts of the detinue was not known to the petitioner. Hence, she lodged a complaint to the second respondent on 14.12.2016. However, no action was taken to secure her daughter. Thereafter, again on 02.01.2017 the petitioner lodged a complaint to the District Collector on the grievance day, requesting to order to secure her daughter. The said complaint was forwarded to the first respondent. Since no action was taken to trace out the detinue so far, the petitioner is before this Court with this petition.

2. Today when the matter was taken up for consideration, the second respondent produced the detinue before this Court. When we enquired her, she told us that she fell in love with the third respondent and hence, she converted herself as Hindu and married the third respondent. The detinue has also assertively stated that she is not in illegal custody of anybody.

3. Recording the submission made by the detinue, since the detinue is a major, aged about 19 years, we close the Habeas Corpus Petition leaving it open to the detinue to lead her own way of life.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

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

SML

TE/BS : 20/02/2017 : 2P/4C

Order made in
H.C.P.[MD].No.72 of 2017
Dated: 08.02.2017