

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.04.2018

Coram

THE HON'BLE MR.JUSTICE M.VENUGOPAL
&
THE HON'BLE MRS.JUSTICE R.HEMALATHA

H.C.P.No.355 of 2018

Mohammed Yusup

... Petitioner

v.

1. State Rep. by
Inspector of Police
D4-Kuniamuthur Police Station
Coimbatore City

2. Saiyad Musthafa

... Respondents

PRAYER:

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the 1st Respondent/Police to produce the body of the detinue, the petitioner's wife Jesina Banu aged about 24 years and his Minor daughter M.Inaaya Fathima, aged about 1 year and 4 months before this Court and set her at liberty.

For Petitioner : Mr.J.Franklin

For Respondents : Ms.T.P.Savitha

Govt. Advocate (Cri. Side) - for R1

Mr.S.Sivaraman - for R2

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O R D E R

(Order of the Court was made by R.HEMALATHA, J.)

Heard Mr.J.Franklin, Learned Counsel for the Petitioner, Ms.T.P.Savitha, Learned Additional Public Prosecutor appearing for 1st Respondent and Mr.S.Sivaraman, Learned Counsel for the 2nd Respondent.

2. The Petitioner, Mohammed Yusup, has filed the present Writ of Habeas Corpus, directing the 1st Respondent/Police to produce his wife Jesina Banu, aged about 24 years and his minor daughter M.Inaaya Fathima, aged about 1½ years, before this Court and set them at liberty.

3. In the affidavit filed along with the petition, the petitioner had contended that he is working in the rank of CT/GD, Central Reserve Police Force at Kotthakiri Taluk, Nilgiris District. His contention is that his wife has been residing with her elder sister and her brother-in-law at Puthur Thasami Nagar, Coimbatore and according to him, his sister-in-law and her husband absconded, since a case was registered against them in Crime No.116 of 2017 for an alleged offence of cheating. He had also contended that in order to safeguard his wife and his child, he came over to Coimbatore and all his attempts to contact his wife over phone went futile.

4. Today, the detenue, viz., Jesina Banu and her minor daughter M.Inaaya Fathima were produced before this Court. We interacted with Jesina Banu. She contended that she is aged 28 years and that her husband, viz., the Petitioner used to torture her and her daughter. She also contended that her husband demanded dowry from her and that she is not willing to go with her husband.

5. In the said circumstances, it is pertinent to mention that Jesina Banu is aged 28 years and is a major. Therefore, this Court is convinced that she would be in a position to take independent decision on her own and does not require any guidance or instructions. The Petitioner is directed to take recourse to other proceedings in the manner known to law for redressal of his grievances in so far as his wife and the minor child are concerned.

6. In view of the above, the detenue, Jesina Banu and her minor daughter M.Inaaya Fathima are set at liberty and the Writ of Habeas Corpus Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Rj

To

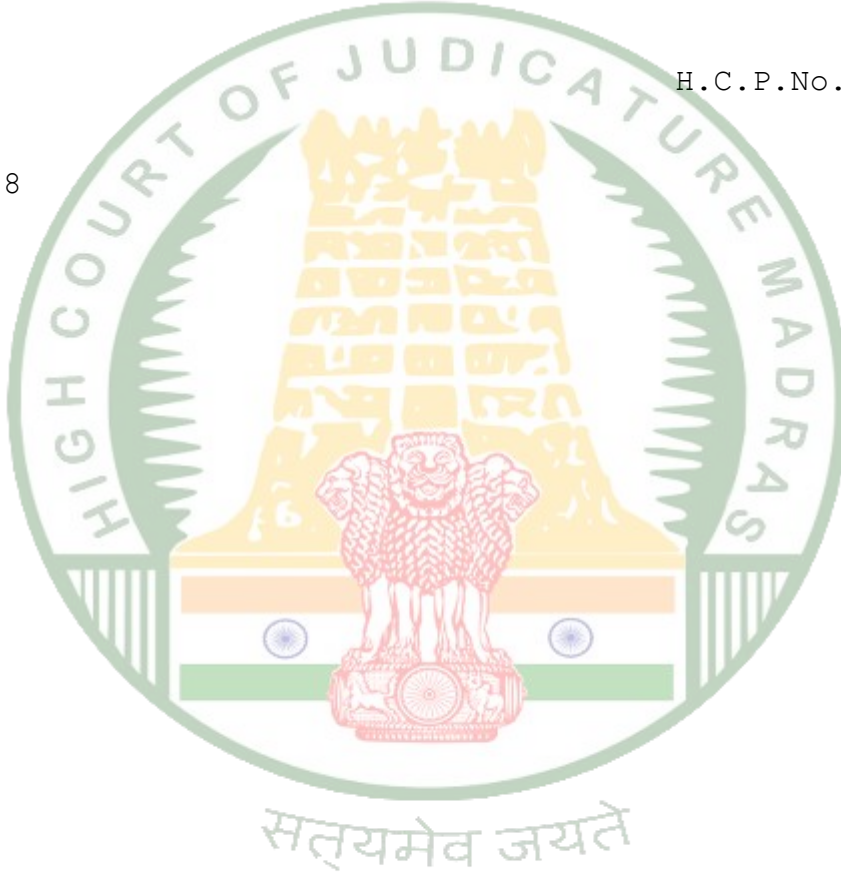
1. The Inspector of Police
D-4, Kuniyamuthur Police Station
Coimbatore City
2. The Public Prosecutor,
High Court, Madras.
Chennai-104.

+1cc to Mr.J.Franklin, Advocate, S.R.No.25588

+1cc to Mr.S.Sivaraman, Advocate, S.R.No.25878

H.C.P.No.355 of 2018

MR (Co)
CS/26/04/18



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