

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
and
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

HCP. No.612 of 2018

S.Alan David Rufus @ Alam Dawood

... Petitioner

-Vs-

1.The State Rep. by
The Commissioner of Police,
Greater Chennai,
Vepery, Chennai-600 007.

2.The State Rep. by
The Inspector of Police,
Law and Order,
S-12 Chitlapakkam Police Station,
Chennai-600 064.

3.A.Basheer

.... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents to produce the body of the petitioner's wife Ali Fathima, aged 26 years, before this Court and set her liberty.

For Petitioner : Mr.V.Krishnamoorthy

For Respondents: Mr.R.Prathap Kumar,
Additional Public Prosecutor for R1 & R2
Mr.C.K.M.Appaji for R3

ORDER

[Order of the Court by C.T.SELVAM, J.]

Petitioner, who is the husband of the detenue viz., Ali Fathima, aged 26 years, sought production of his wife.

2. Heard learned counsel for petitioner, learned Additional Public Prosecutor for respondents 1 and 2 as also learned counsel for third respondent.

3. The detinue viz., Ali Fathima/daughter of third respondent has been produced by second respondent. The father of the detinue is also present before this Court. The detinue informs that the petitioner studied Law with her. She had a good relationship with him but she had not married him. She is now happily married and has nothing to do with the petitioner. She has also produced her marriage Certificate issued by Registrar, Neyyattinkara dated 03.08.2018. A Civil Suit is pending in O.S.No.84/2017 on the file of Additional District Munsiff Court, Padmanabhapuram, wherein the detinue has sought relief for declaration that the document, certificate of marriage dated 14.3.2016 is sham, nominal, bogus, fictitious, fraudulent and null and void.

4. As the detinue informs of not being under wrongful custody of anybody, this Habeas Corpus Petition shall stand closed. Parties are directed to workout their rights, if any, before appropriate forum. Third respondent, whose conduct is poor as may be seen from the records, is directed to pay a sum of Rs.25,000/- [Rupees Twenty Five Thousand only] by way of Demand Draft to the credit of Hon'ble Chief Minister's Distress Relief Fund, Kerala (payable in Accounts Section of the High Court Registry, who in turn will send the same to Chief Minister's Distress Relief fund, Kerala) on or before 19.09.2018.

5. Post the matter on 20.09.2018 "For Reporting Compliance".

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

kmi

To

1. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai-600 007.
2. The State Rep. by
The Inspector of Police,
Law and Order,
S-12 Chitlapakkam Police Station,
Chennai-600 064.

3. The Public Prosecutor
High Court, Madras.

4. The Section Officer,
Accounts Section,
High Court, Madras.

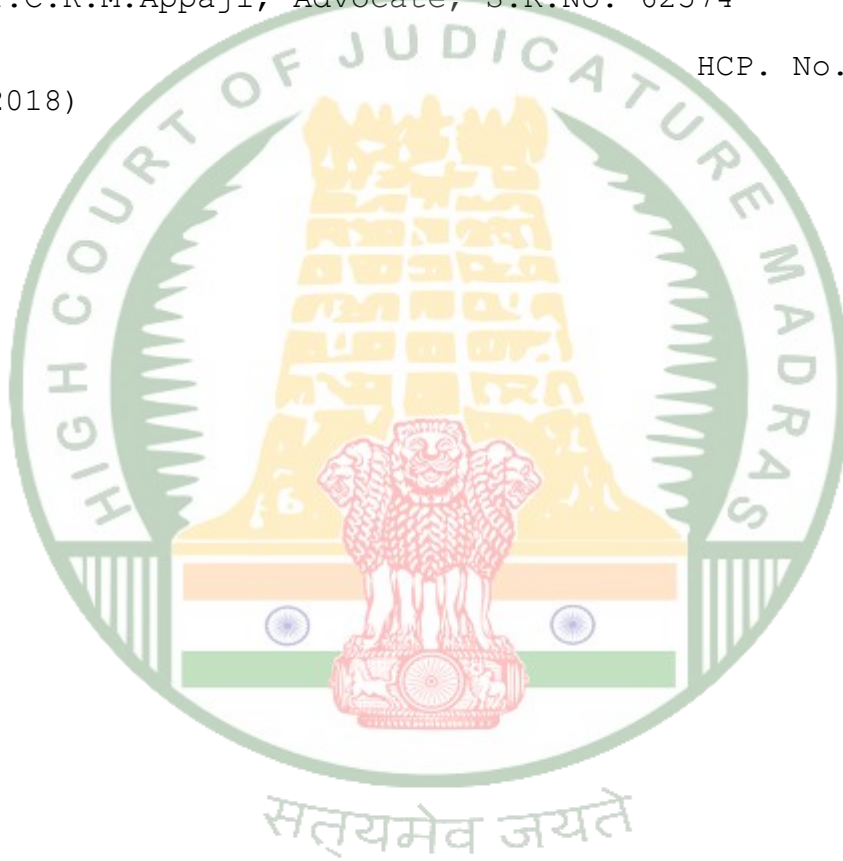
5. The Section Officer,
Criminal Section,
High Court, Madras.

+3cc to Mr.V.Krishna Moorthy, Advocate, S.R.No. 63178

+1cc to Mr.C.K.M.Appaji, Advocate, S.R.No. 62574

HCP. No.612 of 2018

GN(17/09/2018)



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