



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 29.01.2018

Coram :-

THE HON'BLE DR.JUSTICE S.VIMALA

and

THE HON'BLE MRS.JUSTICE T.KRISHNAVALLI

Habeas Corpus Petition (MD) No.54 of 2018

A.Sirajudin

... Petitioner

-vs-

1.The Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Pettai Police Station,
Tirunelveli District.

3. M.Saravanan

... Respondents

Prayer: Habeas Corpus Petition is filed under Article 226 of Constitution of India, seeking a direction to the respondents 1 & 2 herein to produce the body or the person of detenu Ms.Benazir, aged 27 years, daughter of A.Sirajudin from the illegal custody of the 3rd respondent herein, before this Honourable Court and set her at liberty.

For Petitioner	: Mr.K.Appadurai
For R1 & R2	: Mr.C.Ramesh
	Addl. Public Prosecutor
For R3	: Mrs.S.Prabha

O R D E R

(Order of the Court was made by
S.Vimala,J.,)

The petitioner has filed this petition, seeking direction to the respondents 1 & 2 herein to produce his daughter / detenu, namely, Ms.Benazir, aged 27 years before this Court and set her at liberty.

2. According to the petitioner, he belongs to Muslim community, having three daughters, out of whom, the detenu is his 3rd daughter; her betrothal ceremony was performed on 07.01.2018 and thereafter, she was found missing. It is alleged that father of the third respondent, who belongs to a different community asked the petitioner for arrangement of marriage between his son, namely, 3rd respondent herein and the daughter of the petitioner. Therefore, suspecting the involvement of third respondent in connection with his daughter's missing, he preferred a complaint with the 2nd respondent for production of his daughter and since no effective



steps were taken by the Police, he is before this Court, seeking for the above direction.

3. The learned Additional Public Prosecutor has produced the detenu, namely, Benazir before this Court with the help of Police. The father of the detenu and the third respondent are present in this Court.

4. On being enquired with the detenu, she has stated that she has not been abducted by anyone, more particularly by the third respondent and she had left her parental home on her own accord. She has further stated that she has already married the third respondent, living as husband and wife and therefore, she is not inclined to go with the petitioner / father and has expressed her willingness to accompany her husband / 3rd respondent.

5. On enquiry with the petitioner, he has stated that the father of the third respondent, being a Police personnel, has been continuously threatening him and his family members, by abusing his position and also attempting to grab his properties through his daughter.

6. At this juncture, the learned Additional Public Prosecutor has given an undertaking that he would give suitable instructions to the concerned Police Official and ask him not to interfere with the affairs of the parents of the detenu.

7. Considering the fact that the detenu is major having attained the age of 27 years and also the fact that she is desirous to accompany the third respondent, she is set at liberty to act as per her own wish.

8. The Habeas Corpus Petition stands closed accordingly.

Sd/-

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar

To:

1.The Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Pettai Police Station,
Tirunelveli District.

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

+1cc to Mr.K.APPADURAI,Advocate,SR. 44831

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