



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2018

CORAM

**THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY**

H.C.P. (MD) No.1425 of 2018

R.Mohamed Yasin

... Petitioner

Vs.

1. The Commissioner of Police,
Office of the Commissioner of Police,
Trichy District.

2. The Inspector of Police,
Ariyamangalam Police Station,
Trichy District.

3. Mydeen

... Respondents

PRAYER: Habeas Corpus Petition is filed under Article 226 of Constitution of India, to issue a Writ of Habeas Corpus directing the respondents 1 and 2 to produce the detenu minor girl aged 17 years viz., Safreen Begum before this Court and hand over to the petitioner, who is being illegal custody at the hands of the respondent No.3 with the help of his parents.

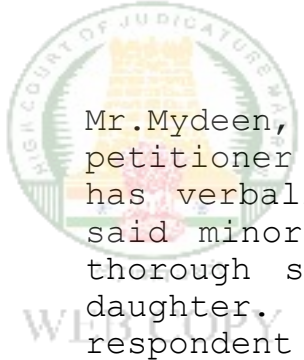
For Petitioner : Mr.S.A.S.Alaudeen
For R1 & R2 : Mr.K.Dinesh Babu
Additional Public Prosecutor

O R D E R

[Order of the Court was made by T.RAJA,J.]

The Habeas Corpus Petition has been filed seeking a direction to the respondents 1 and 2 to produce the detenu viz., Safreen Begum, aged about 17 years, before this Court.

2. Learned counsel appearing for the petitioner submitted that the petitioner is the father of the detenu and working as a tailor, earning very meager income. With the said meager income, he was managing the entire family, providing better education to three children including the detenu. While so, the third respondent



Mr. Mydeen, S/o. Sabiyullah, claims to be the divorcee approached the petitioner with a proposal to marry the detenu. As she is minor, he has verbally refused the said proposal. But all of a sudden, the said minor girl Safreen Begum was missing from 21.09.2018. After thorough search in several places, he was not able to find his daughter. Ultimately, he has lodged a complaint to the second respondent to trace out the missing daughter. But no action has been taken. Therefore, he was advised to come to this Court.

3. When the matter was taken up for hearing today, the detenu viz., Safreen Begum was produced before this Court by the respondent police.

4. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 submitted that immediately on the next date of receiving the complaint, action was taken. However, the detenu along with the third respondent appeared before the District Collector, Sivagangai, for making a complaint against the petitioner and his wife. However, after some enquiry, the District Collector has produced the detenu before the Government Vigilance Home, Sivagangai, from where she has been produced before this Court.

5. As the detenu appeared along with her parents and expressed her willingness to go with her parents and she is also a minor girl, we allow the girl to go and stay with her parents. Accordingly, the Habeas Corpus Petition is allowed. However, liberty is given to the second respondent to proceed with the investigation.

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Commissioner of Police,
Office of the Commissioner of Police,
Trichy District.
2. The Inspector of Police,
Ariyamangalam Police Station,
Trichy District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

AKV

TE/SV/SAR-2 : 09/11/2018 : 2P/4C

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