

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice Gudiseva Shyam Prasad

Writ Petition No.6579 of 2018

Date: 06.03.2018

Between:

Thalla Ratnakar Goud

... Petitioner

and

The State of Telangana
Rep. by its Prl.Secretary,
Home dept., Secretariat,
Hyderabad and 6 others

...Respondents

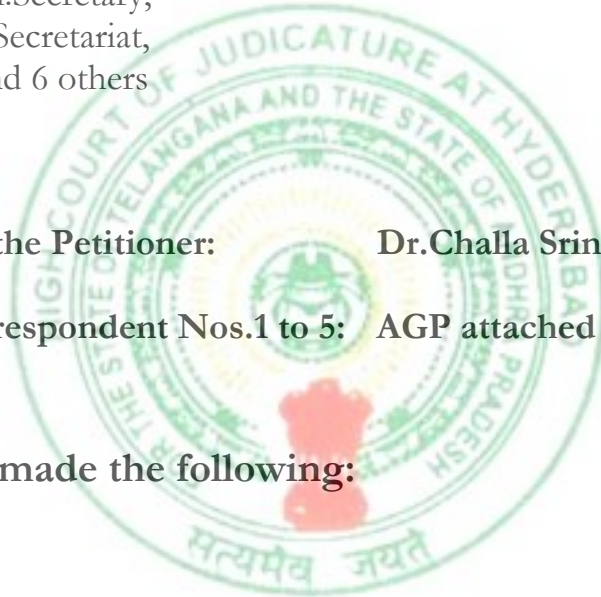
Counsel for the Petitioner:

Dr.Challa Srinivasa Reddy

Counsel for respondent Nos.1 to 5:

AGP attached to AG (TG)

The Court made the following:



Order: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Writ Petition is filed for issue of a Habeas Corpus by declaring the inaction of respondent Nos.4 and 5 on the petitioner's request to restore the custody of his wife *viz.*, Noushin Beguma @ Nithya (alleged *detenue*) from the custody of respondent Nos.6 and 7, as illegal and arbitrary. The petitioner sought for a consequential direction to the respondents to produce the alleged *detenue* in the Court and set her at liberty.

In pursuance of the notice and direction issued by this Court on 27-02-2018, respondent Nos.6 and 7 are present. Respondent No.5- Station House Officer, Kukatpalli Police Station, has produced the alleged *detenue*.

Our interaction with the alleged *detenue* revealed that she is a major; that she has married the petitioner in Arya Samaj on 21-05-2017; that later, respondent Nos.6 and 7 have forcibly taken her away; and that they have kept her in their custody since 11-08-2017. She expressed her inclination to join the petitioner.

Respondent Nos.6 and 7, while admitting that as on today, the alleged *detenue* is a major, however, stated that they have not accepted the alleged marriage of their daughter with

the petitioner, who belongs to a different religion, and that they want to continue the custody of the alleged *detenue* with them.

The alleged *detenue*, being a major, is entitled to lead her life as per her choice and wish. Irrespective of whether she has married the petitioner or not, she cannot be forced to leave the company of the petitioner, who claims to have married her in the year 2017 itself. In these facts and circumstances of the case, the alleged *detenue* is permitted to join the company of the petitioner. Respondent Nos.6 and 7 are restrained from interfering with the life and personal liberty of the alleged *detenue*.

The Writ Petition is, accordingly, allowed.

(C.V.Nagarjuna Reddy, J)

(Gudiseva Shyam Prasad, J)

Dt: 6th March, 2018
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