

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

AND

HON' BLE SRI JUSTICE T. AMARNATH GOUD

WRIT PETITION No. 11000 of 2018

ORDER: (Per Hon' ble Sri Justice C.Praveen Kumar)

1) The present writ petition came to be filed under Article 226 of the Constitution of India, seeking issuance of writ of habeas corpus directing the respondents 1 to 4 to cause production of the daughter of the petitioner by name D.Naga Lakshmi, before this Court forthwith, as she is in illegal custody of respondent No.5, and set her free.

2) The averments in the affidavit filed in support of the writ petition would show that respondent No.5 was living with his relatives house, which is two lanes away from the house of the petitioner. It is said that respondent No.5 used to stalk and harass the daughter of the petitioner while going to school as well as while returning. Being vexed with the attitude of respondent No.5, the daughter of the petitioner told the petitioner about the stalking, to which the petitioner warned the respondent No.5 in the presence of his relatives. The averments in the affidavit further show that on 02.08.2017, respondent No.5 kidnapped the daughter of the petitioner. Immediately, the petitioner approached the Miyapur Police station and narrated the incident. Though the police told the petitioner that they would book a crime and trace the girl, but they have been postponing the same on one

pretext or the other, even after registering the crime. Hence, the present writ petition came to be filed.

3) On 03.04.2018, the counsel appearing on behalf of the Advocate General sought time to get instructions.

4) Though the averments in the affidavit show that the alleged detainee was aged about 12 years, but the Advocate General would contend that she was born in the year 2001 and she is on the verge of her majority. It was further represented that in view of the registration of crime, respondent No.5 is absconding and his whereabouts are not known. Having regard to the above, we examined the mother and detainee, who are present in the Court. When examined, the daughter categorically stated that she was born in the year 2001 and that she on her own left along with respondent No.5. Both of them got married and she is pregnant by three months. She however stated that on suspicion, respondent No.5 used beat her now and then.

5) The mother of the alleged detainee stated that his daughter was deceived by respondent No.5 and was forcibly taken to a boarder place of Andhra Pradesh and Karnataka. She requested us to save her daughter from the clutches of respondent No.5, who beat her daughter for money. At that point of time, we called the daughter and examined both of them together. The daughter stated that her husband used to beat her suspecting her fidelity and not for money. When questioned as to where she wants to go now, she expressed her willingness to go with her mother. Though

the girl is said to be pregnant by three months, but as the whereabouts of her husband are not known, after the registration of the crime and having regard to the fact that the detinue is at the verge of majority, we feel that it would be just and proper, if the interim custody of the daughter is given to her mother, till she attain majority, giving liberty to the parties to work out their remedies before the appropriate Court.

6) With the above direction, the Writ Petition is disposed of.

7) There shall be no order as to costs. Miscellaneous Petitions, pending if any in this Writ Petition shall stand closed.

04.04.2018
gkv



C. PRAVEEN KUMAR, J

T. AMARNATH GOUD, J