

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2019

CORAM :

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN  
and  
THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

H.C.P. No.259 of 2019

Jameel Hussain

... Petitioner

Vs.

The Inspector of Police,  
D-1, Triplicane Police Station,  
Chennai - 600 002.

... Respondent

Prayer : Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus directing the respondent herein to produce the body of the petitioner's daughter Farheen @ Farheen Sadiqa Jan, Female, aged 22 years daughter of Jameel Hussain at New No.18, Old No.26, Ground Floor, Chinnathambi Street, Triplicane, Chennai-600 002, before this Court and set her at liberty forthwith.

For Petitioner : Mr.M.Hussaini Basha

For Respondent : Mr.C.Iyyapparaj  
Additional Public Prosecutor

सत्यमेव जयते  
O R D E R

(Order of the Court was delivered by M. SATHYANARAYANAN, J.)

The petitioner is the father of the detenu namely, Farheen @ Farheen Sadiqa Jan, aged about 22 years. According to the petitioner, her daughter was studying in 1<sup>st</sup> year, M.A. (Communication) at Women Christian College, Nungambakkam, and her whereabouts are not known from 23.01.2019 onwards. According to the petitioner, the detenu used to go to the college in auto and the auto driver told him that after closure of the college timings, she did not return. The petitioner was also frantically searching for his daughter and he received a

phone call from one Gani at about 06.00 P.M stating that his daughter is at Trichy and she is going to marry his in-law. The petitioner along with his family rushed to Trichy, however, they were unable to trace her and apprehending that his daughter can be kidnapped and kept under illegal detention by Gani and in-law for the purpose of grabbing money and properties, lodged a complaint to the respondent police, based on which, C.S.R.No.75 of 2019 has been issued and subsequently, it was converted as an F.I.R. in Crime No.88 of 2019 for ''Women Missing''. The grievance expressed by the petitioner is that despite registration in Crime No.88 of 2019, no steps have been taken by the police to find out the whereabouts of the daughter and apprehending danger to the life and liberty of her daughter, the petitioner came forward to file this petition.

2. It is represented by Mr.C.Iyapparaj, learned Additional Public Prosecutor appearing for the State that the detinue has been secured and she is being produced by the police today and therefore, the matter has been taken up for hearing today.

3. Today, the detinue and the petitioner/father of the detinue are present before this Court.

4. The detinue was enquired and she would state that she was in love with one Mohammed Azharuddin, who is an engineering graduate and she had indicated her inclination to marry him, but it was opposed by her father and therefore on her own volition, she went to Trichy and with the help of Azharuddin's brother-in-law viz., Mr.Gani, they got married on 24.01.2019 as per Islamic Rites and at present, she is happily living with her husband.

5. The father of the detinue, who is also present, has been enquired and he would state that through his sincere and hard work, he earned money and for the purpose of educating his only daughter, he admitted her in the M.A.(Communication) Post Graduate course in Women Christian College and however, coerced by the alleged sweet words and promise of Azharuddin, she went with him and he would further state that if some time was given to him, he would have made his earnest efforts by way of conciliation and however the said chance has not been provided by the daughter. He would also state that since his daughter/detinue married against his wish, he did not wish to have any social contact with her daughter.

6. It is also brought to the knowledge of this Court that Azharuddin, who said to have married the detinue as well as his uncle Gani are present and both of them were enquired and they would state that the detinue on her own volition married Azharuddin and they would keep her happy and they are not

interested in neither the money nor the wealth of the father of the detainee.

7. This Court has considered the rival submissions and also perused the materials placed before it.

8. The admitted fact remains that the detainee is a major and she is also a graduate and when she left the parental home, she was pursuing 1<sup>st</sup> year post graduate course and this Court has formed an opinion that she is very well aware of the consequences of her cases. It is also her statement that on her own volition and accord, she married Mohammed Azharuddin on 24.01.2019 as per Islamic Rites. In the light of the fact that the detainee being a major and she has chosen her future as per her own wishes, it cannot be said that she is in illegal custody/detention at the hands of either Gani or Mohammed Azharuddin.

9. Therefore, the Habeas Corpus Petition stands dismissed. However, the 1<sup>st</sup> respondent shall proceed with the investigation in respect of the case registered by them in Crime No.88 of 2019 in accordance with law.

mkn/sk

Sd/-  
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police,  
D-1, Triplicane Police Station,  
Chennai - 600 002.

2.The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.M.Hussaini Basha, Advocate, S.R.No.14364

kak(20/03/2019)

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