

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.02.2019
CORAM

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

HCP.No.276 of 2019

Sankara Selvi

.. Petitioner

Vs.

The State represented by its
Inspector of Police
J-10, Chemmanchery Police Station
Adayar
Chennai.

.. Respondent

Prayer : Habeas Corpus Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Habeas Corpus to direct the respondent police to produce the detenu Mrs.Gayatri Devi, D/o.V.Sr.Murthy and the petitioner/Sankara Selvi, aged about 21 years before this Court and set the detenu at liberty forthwith.

For Petitioner : Mr.P.Santhaseelan

For Respondent : Mr.C.Iyyaparaj

Additional Public Prosecutor

For Detenue : Mr.R.Sankarasubbu

ORDER

[Judgment of the Court was made by M.SATHYANARAYANAN, J.,]

The petitioner is the mother of the detenu and according to her, the detenu/her daughter was doing her final year in B.E., (E.T.C.E) in Sathyabama University at Sholinganallur. She was born on 24.11.1997 and now she is 21 years old. It is averred by the petitioner that her daughter used to go to the institution by University bus and she has completed her regular studies and now she is pursuing her project work in B.E.,

2. It is further stated by the petitioner that one week prior to the date of incident, she came to know that her daughter was in love affair with one Apsar Khan and advised her daughter

to quit her relationship with Apsar Khan. On 29.01.2019, her daughter left for the educational institution at about 6.45 a.m., in the University bus, and thereafter, she did not return home even after closure hours, and all the efforts made out by the petitioner to find her daughter did not fructify, and therefore, she lodged a complaint on the file of the respondent on 30.01.2019, based on which, a case in Crime No.36 of 2019 was registered for "woman missing".

3. The petitioner alleging that no progress was shown by the respondent after lodging the complaint and that she was in dark about the whereabouts of her daughter, whether she was alive or not, or she has been in illegal confinement at the hands of Apsar Khan, came forward to file this Habeas Corpus Petition.

4. The matter was listed today and detinue was produced before the Court. The detinue would state that she is in love with Apsar Khan and on her own volition, she left her parental home and got married on 30.01.2019 and to that effect, she also produced a photocopy of the Marriage Certificate issued by Government Kazi, Moulvi Dr.Kaleel Ahmed, G.O.Ms.No.1184, G.O.Ms.No.281, Omalur (PO), Salem District and Sunnath Jamath Qazi Khaleel Ahmed Khader, Khadeema-E-Shariyat, Omalur P.O. Salem District. The detinue would further state that she was taken to Vallam Police Station, Thanjavur on 07.2.2019 and there she met her parents and they also accepted her status.

5. Mr.Apsar Khan, husband of the detinue was also present and he would state that he is a B.Com MBA., graduate, working in a private company at Qatar as a Senior Project Accountant and he is earning a sum of Rs.1,00,000/- per month. He undertakes that he would do the needful for his wife to complete her education and he would take her along with him to abroad country for the purpose of securing a job. He also promises that he would take care of his wife, the detinue, in most affectionate and proper manner and together, they would lead a happy life.

6. The parents of the detinue is also present and they would state that, now resigned to their fate and their only anxiety/interest is that her daughter should be treated and maintained by her husband in a fair and proper manner.

7. This Court, heard the submissions of Mr.P.Santhaseelan, learned counsel appearing for the petitioner and Mr.R.Sankarasubbu, learned counsel appearing for the detinue as well as for her husband.

8. The learned counsel appearing for the detinue and her husband would state that registration of marriage is

mandatory and therefore, their marriage needs to be registered under the Special Marriage Act.

9. The photograph of the Marriage Certificate dated 30.01.2019 produced by the detainee is taken on file and the submission of the learned counsel with regard to registration of their marriage under the customary law is recorded.

10. In the light of the above facts and circumstances, no further orders could be passed in this Habeas Corpus Petition and hence, this petition is closed. The detainee is set at liberty to take care of her future.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To:

1.The Inspector of Police
J-10, Chemmanchery Police Station
Adayar, Chennai.

2.The Public Prosecutor
High Court, Madras.

+1cc to Mr.R.Sankarasubbu, Advocate sr.no.15008

HCP.No.276 of 2019

nr 21/03/2019

सत्यमेव जयते

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