

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.520/2019

J.Ebineser

..

Petitioner

vs.

State rep.by

1.The Superintendent of Police
Nagapattinam, Nagapattinam District.2.The Inspector of Police
Velipalayam Police Station
Nagapattinam 611 001.

..

Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the 2nd respondent to produce the petitioner's wife namely Noorul Rizwana, aged about 21 years daughter of Nasir Usain, before this Court, illegally detained by her parents and to set her at liberty forthwith.

For Petitioner

..

Mr.R.Aranganathan

For RR 1 & 2

..

Mr.C.Iyyappa Raj, APP

ORDER

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

The petitioner is a resident of Thalaiyuthu, Tirunelveli District and according to him, he was studying B.E. [Mechanical Engineering] 4th Year in Thekkoor Engineering College at Vandaloor and he went to Nagapattinam to

attend a cultural event conducted by EGS Pillai Engineering College and during that occasion, he developed acquaintance with the detenue Noorul Rizwana, who professes Islamic faith and subsequently, developed a love affair. It is further averred that though the parents of the detenue were aware of the said fact, they have taken steps to marry her against her wishes and therefore, the detenue asked the petitioner to come and take her away and accordingly, the detenue came out of her parental home on her own volition and the petitioner had taken her to his native place and subsequently, got married at Pandarakulam Church, at Thalaiyuthu and started living as husband and wife. Thereafter, some of the members of the Jamath of the detenue, opposed the petitioner and asked the petitioner to convert as Muslim and for that also, the petitioner agreed and under that pretext, the detenue was taken away on 29.11.2018 and thereafter, she did not return and apprehending that she is kept under the illegal detention and confinement against her wishes at the hands of her parents and fearing for her life and safety, the petitioner came forward to file the present Habeas Corpus Petition.

2 When the matter is listed today, the detenue Noorul Rizwana and her mother are present. The detenue is also enquired by this Court. She would state that since the petitioner threatened that he would commit suicide, she was forced to go and after realisation, she, on her own volition, went back

to her parental home and she wants to remain with her parents and act as per their advise. The mother of the detainee is also enquired and she would state that the detainee has completed B.Sc. [information Technology] Course and steps are being taken to do marriage of the detainee with her relative after getting her consent.

3 Learned counsel for the petitioner would submit that a chance may be given to the petitioner to interact with the detainee.

4 Heard the submissions of the learned Additional Public Prosecutor appearing for the respondents/State.

5 This Court, on going through the materials, has also put a specific question to the learned counsel for the petitioner as to the proof of marriage and except showing the photograph, no proof of marriage has been produced despite the fact that the marriage between the petitioner and the detainee is said to have been conducted at a Church in Pandarakulam, Thalaiyuthu, Tirunelveli District.

6 The detainee is a major [DOB 09.04.1998] and she expressed her willingness to remain with her parents and the Court is not in a position to

M.SATHYANARAYANAN, J.,
AND
M.NIRMAL KUMAR, J.,

AP

come to the aid of the petitioner. Therefore, the detenue is set at liberty to join with her parents as per her wishes.

7 In the result, the Habeas Corpus Petition stands dismissed.

[M.S.N, J.] [M.N.K, J.]
14.03.2019

AP
To

1.The Superintendent of Police
Nagapattinam, Nagapattinam District.

2.The Inspector of Police
Velipalayam Police Station
Nagapattinam 611 001.

3.The Public Prosecutor,
Madras High Court, Madras.

WEB COPY

H.C.P.No.520/2019