

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:04.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE M. NIRMAL KUMAR

H.C.PNo.635 of 2019

Mohamed Rafi Ayub

..

Petitioner

Vs.

1.The Superintendent of Police
Vellore District, Vellore.2.The Inspector of Police,
Nemili Police Station,
Vellore District.

..

Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India, directing the respondents herein to secure the body of the detainee by name Roja K aged about 25 years, W/o.Mohamed Rafi Ayub and produce her before this Court.

For Petitioner :
For Respondents :

Mr.Arun Kumar D.R
Mr.V.Sarathadevi
Government Advocate

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

The petitioner claims to the husband of the detainee namely,
K.Roja aged about 24 years (D.O.B.02.04.1994) and according to him,

both were residing together at No.15/1, Ammanayanar Koil Street, Panapakkam, Vellore and in connection with the business, he went out of his residence at 12.30 pm on 06.03.2019 and when he returned back, he did not find the detainee. In this regard, the petitioner has lodged a complaint on the file of the 2nd respondent, based on which a case in Cr.No.106 of 2019 was registered on 06.03.2019 for "Women Missing". The petitioner, being very much concerned about the safety and well being of the detainee, came forward to file this Habeas Corpus Petition.

2. When this Habeas Corpus Petition was listed for hearing on 26.03.2019, the learned counsel for the petitioner undertook to file an additional affidavit with supporting documents as to the proof of marriage between the petitioner and the detainee and therefore, it was adjourned to 02.04.2019 and on that day, once again, the learned counsel for the petitioner prays for some accommodation to produce the particulars, sought for by this Court.

3. Today, the learned Additional Public Prosecutor made a request to list this Habeas Corpus petition for the reason that the detainee has been traced and accordingly, the matter is listed today.

4. The detainee is produced before this Court and on enquiry, she would state that she was born on 02.04.2019 and she is qualified in B.A., English Literature and the petitioner is running a Chicken Stall and lured by his sweet words, she went with him. However, he did not marry her and despite that they had relationship and out of which, she conceived and aborted twice without her consent. She would further state that she belongs to Scheduled Caste Community and despite her request and insistence, the petitioner had failed to marry her and she has also been subjected to verbal and physical abuse and unable to bear with the same, left his company and joined with her parents.

5. The mother of the detainee, who is present before this Court, is also enquired. She would state that her husband is retired from CISF and at present, he is employed as a Security Staff in a private Company and now, her daughter has joined with her and she would take care of safety and well being of her daughter.

6. Mr.C.Iyyapparaj, learned Additional Public Prosecutor appearing for the State would submit that the investigation in respect of the case registered at the instance of the petitioner would be conducted in

a fair and impartial manner and if the detenue lodges any complaint against the petitioner as to the alleged misconduct, immediate cognizance will be taken under the relevant provisions of the Acts and further action would be taken.

7. In the light of the fact that the detenue being a major, and willing to join with the company of her mother and at present she is also under the care and custody of the mother, she is set at liberty to take a call for her future.

8. The Habeas Corpus petition is disposed of with the above observation. However, the 2nd respondent is directed to file a Status Report as to the progress being shown in respect of the case in Cr.No.106 of 2019, registered by the Inspector of Police, Nemili Police Station, Vellore District.

Call on 29.04.2019. Status Report of the 2nd respondent by then.

(M.S.N.J.) (M.N.K.,J.)
04.04.2019

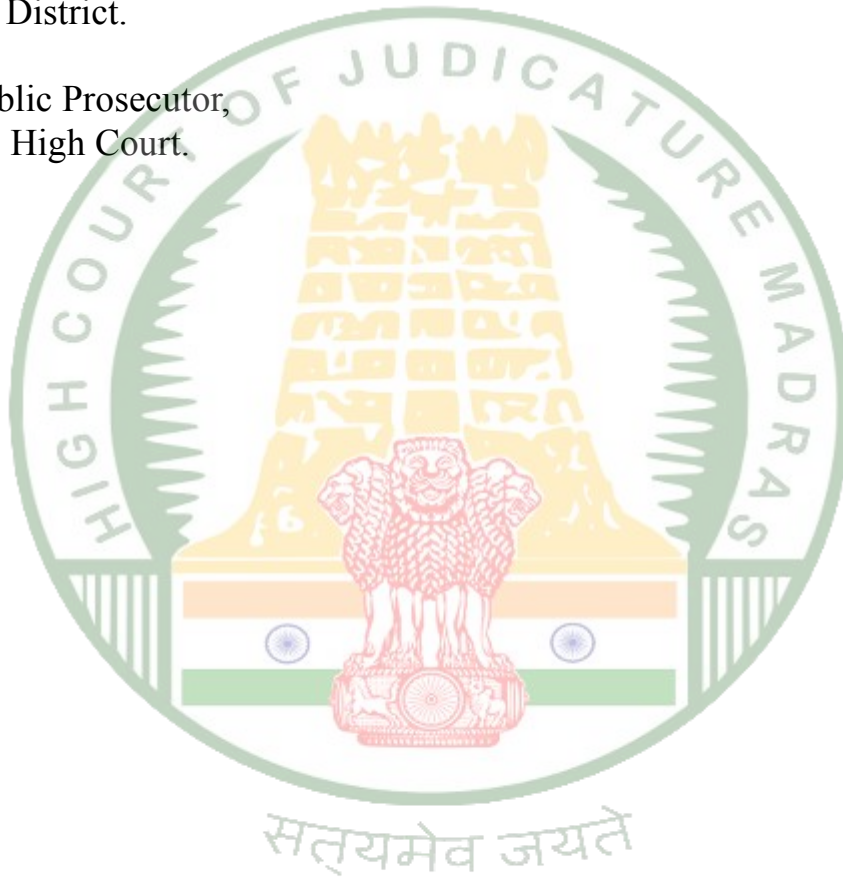
Index : Yes/No
Internet: Yes/No

To

1. The Superintendent of Police
Vellore District, Vellore.

2. The Inspector of Police,
Nemili Police Station,
Vellore District.

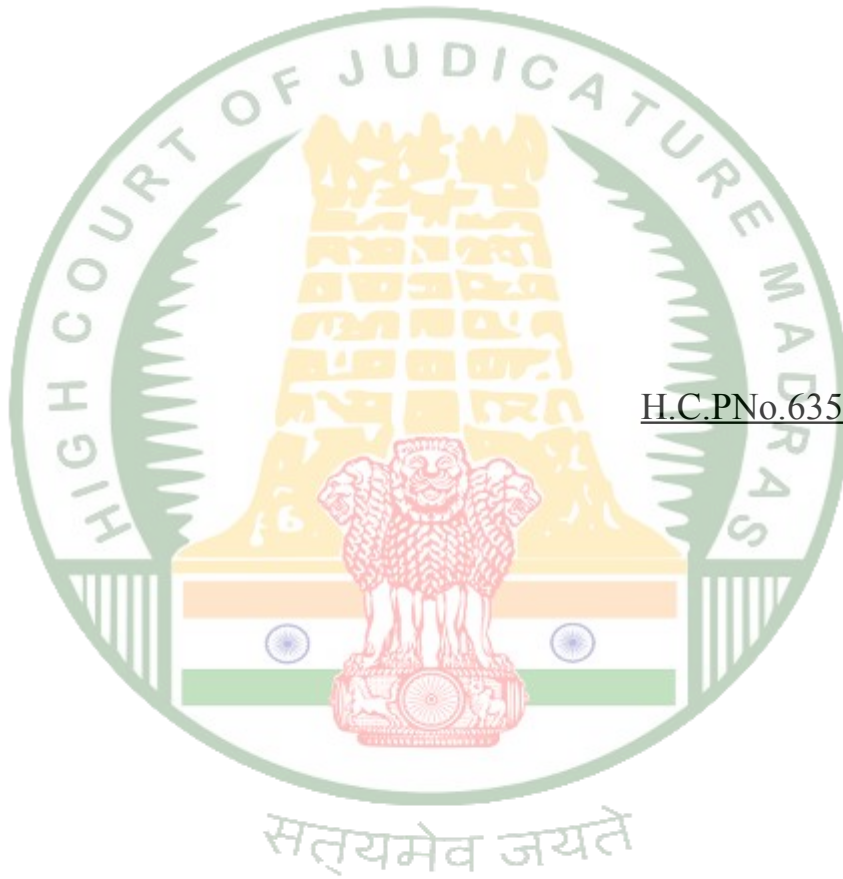
3. The Public Prosecutor,
Madras High Court.



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

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