

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.02.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

HCP.No.2464 of 2018

Abdul Jaffer

..

Petitioner

Versus

1.The Inspector of Police,
Koothanallur Police Station,
Tiruvallur District.

2.Jaffer Sadiq

..

Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Habeas Corpus directing the 1st respondent to produce the petitioner daughter Sultana Paraveen aged 41 years and also to produce and handover the petitioner granddaughter Johara aged 14 years before this Court and set them at liberty who are now wrongfully restrained by the 2nd respondent.

For Petitioner : Mr.G.Mani Prabhu

For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

ORDER

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

The petitioner is the father of Sultana Paraveen Abudul Jaber and grandfather of Johara Irfana Ali Mohideen and according to him, her daughter got divorced and granddaughter was studying in IXth standard in Thamarai International School at Thanjavur and alleging that his daughter is somewhat unstable minded and taking advantage of the same, the 2nd respondent had illegally detained and took custody of his daughter as well as his grandfather on 01.08.2018. The petitioner, in this regard, has also lodged a compliant on the file of the 1st respondent, based on which, CSR.No.147 of 2018 came to be registered and despite long lapse of time, the 1st respondent did not take any action and hence came forward to file this petition.

2. The matter is listed today at the instance of the learned Additional Public Prosecutor appearing for the respondent who would submit that the detenues have been secured and they are also being produced before this Court.

3. The daughter as well as granddaughter of the petitioner are present. The daughter of the petitioner would state that her father had sold an immovable property and refused to give her share and he

repeatedly used to torture her and unable to bear with the same, she along with her daughter, on their own volition and worked in Thirupur Baniyan Company for the purpose of eking out their livelihood and denying the submission that she had intimacy with the 2nd respondent and she along with her daughter in the illegal custody / detention at the hands of the 2nd respondent.

4. The grand daughter of the petitioner was also enquired into and she would state that grandfather had repeatedly used to scold and unable to bear with the same, she along with her mother had left the home and both of them are at present under the care and custody of the petitioner and she would also like to continue her studies.

5. The petitioner who is also present before this Court has also been enquired and he would state that he used to be give advise to her daughter as well as to her granddaughter and he is not in the habit of scold / taunting them and whatever property she is having, may go to her daughter as she is the only daughter of the petitioner and also undertake to maintain properly.

6. In the light of the fact that both detenues have been traced and at present, they are in care and custody of the petitioner and that

subsequently, a case in Crime No.304 of 2018 came to be registered on 10.11.2018 under the caption Women Missing and Girl Missing, this Court is of the considered view that no further orders are necessary in this Habeas Corpus Petition.

7.The Habeas Corpus Petition stands closed accordingly.

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

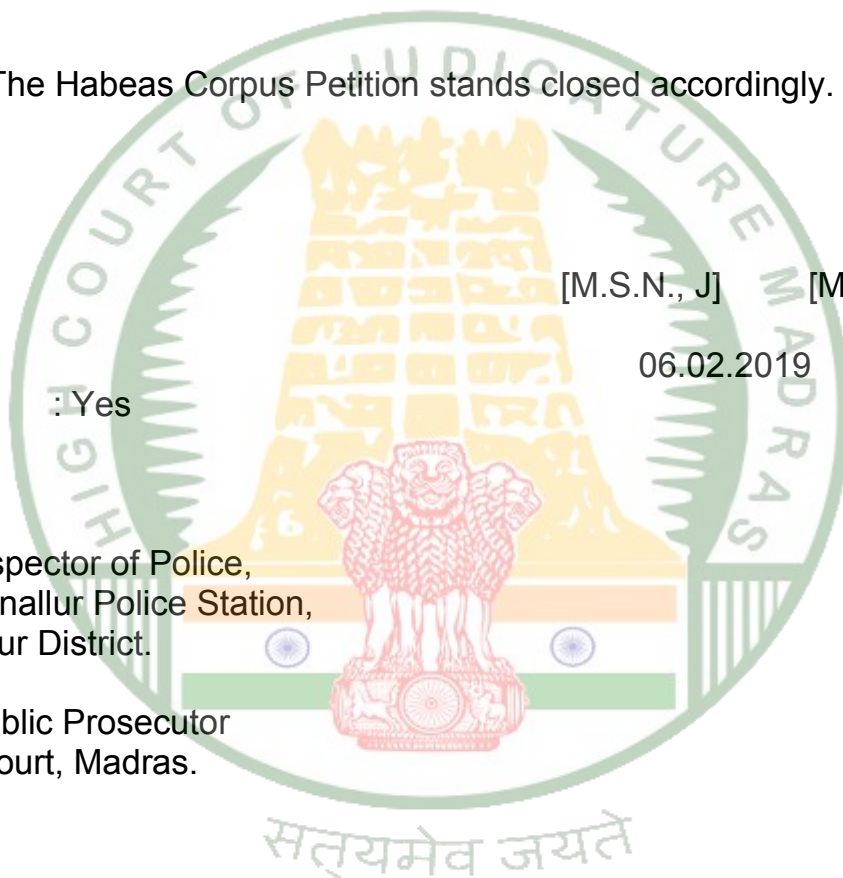
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To

1.The Inspector of Police,
Koothanallur Police Station,
Tiruvarur District.

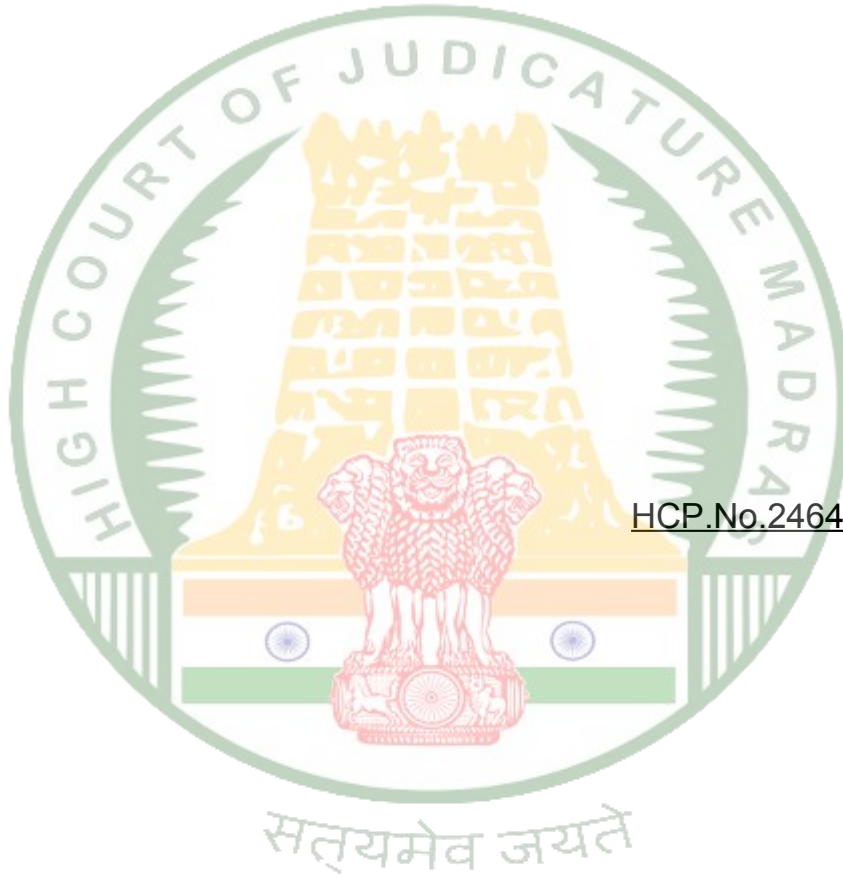
2.The Public Prosecutor
High Court, Madras.



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

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