



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2019

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P(MD)No.439 of 2019

Sheik Subair

... Petitioner

Vs.

1.The Superintendent of Police,
Pudukottai District,
Pudukottai.

2.The Inspector of Police,
Aranthangi Police Station,
Pudukottai.

3.Siddiq @ Mohamed Hussain

4.Akbar Ali

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to secure the detenu Sameera Begam, W/o Sheik Subair, aged about 24 years from the illegal custody of the third respondent and produce her before this Court and set her at liberty.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor
for R.1 and R.2
: Mr.K.Chengizkhan
for R.3 and R.4

ORDER

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

The petitioner is the husband of the major detenu, namely Sameera Begam, aged about 24 years and according to him, he got married to the detenu on 14.02.2016 as per Islam rites and customs and they lived happily as husband and wife for three years. It is further averred by the petitioner that the third respondent used to tease his wife and the said fact was also informed by her to him, however, a complaint has not been lodged, considering the reputation of his family.



2. It is a specific case of the petitioner that on 21.05.2019, the third respondent came to his house and forcibly abducted his wife and in this regard, he has also given a complaint on the file of the second respondent. The petitioner, apprehending the safety, well being and the whereabouts of his wife and on account of the lack of co-operation on the part of the second respondent, came forward to file this Habeas Corpus Petition.

3. This Habeas Corpus Petition was entertained on 29.05.2019. A mention was made by the learned Additional Public Prosecutor on the ground that the detenu has been secured and accordingly, the matter is listed today.

4. When the matter is listed today, the detenu has been produced before this Court and this Court has enquired her and she would state that on account of difference of opinion, she left with the company of her husband and at present, she is living with her cousin sister and also issued notice for khula (divorce) and she is not prepared to go with her husband, who is also present before this Court.

5. On enquiry, the petitioner himself would state that now he became aware of the fact that she had developed illicit intimacy with the third respondent and therefore, he is not prepared to live with her also.

6. Be that as it may, the detenu is a major and on her own volition, said to have been living with her cousin sister and she is entitled to take a call with regard to her future and well being. Therefore, this Court sets the detenu at liberty, so as to enable her to take a call with regard to her future and well being. Accordingly, the Habeas Corpus Petition is disposed of.

Sd/-

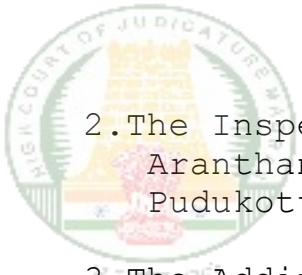
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Superintendent of Police,
Pudukottai District,



2.The Inspector of Police,
Aranthangi Police Station,
Pudukottai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-70534[F] dated
21/06/2019)

+1 CC to M/s.K.CHENGISKHAN, Advocate (SR-70728[F] dated
24/06/2019)

SSL

H.C.P(MD)No.439 of 2019
21.06.2019

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