



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2019

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P (MD)No.542 of 2019

WEB COPY

Sulthan Alavudeen

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai City.

2.The Inspector of Police,
Jaihindupuram Police Station,
Madurai - 11.
[Cr.No.214/2019]

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Habeas Corpus to direct the respondents to produce the body and person of the detenu, the petitioner's wife, namely, Seerin Banu, aged 29 years, and daughter, Samira Banu, aged 4 years, before this Court and set them at liberty.

For Petitioner : Mr.P.Paranthaman

For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor

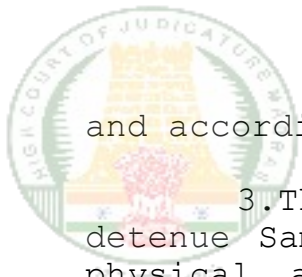
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ORDER

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

The petitioner is the husband of the detenu viz., Seerin Banu, aged about 29 years, and father of minor detenu viz., Samira Banu, aged about 4 years, and according to him, he married the detenu Seerin Banu 11 years before and out of the wedlock they are blessed with a male child and a female child. It is the specific case of the petitioner that on 12.04.2019, his wife went to school to bring back his daughter and both of them were missing and since the petitioner is very much concerned about the safety, wellbeing and whereabouts of his wife and daughter lodged a complaint to the second respondent police, based on which, a case in Crime No.214 of 2019, for woman and girl missing was registered and since no further action was forthcoming, the petitioner came forward to file this Habeas Corpus Petition.

2.The learned Additional Public Prosecutor appearing for the respondents had made a mention that the detenus have been produced



and accordingly, the matter is listed today.

3.The detainee Seerin Banu is present along with the minor detainee Samira Banu and she would state that she was subjected to physical and verbal abuse at the hands of the petitioner and therefore, she went to her parental home, where she was advised to go and live with the petitioner and therefore, she along with her minor daughter is staying at Dindigul and some time thereafter, she may come to the parental home.

4.The learned counsel appearing for the petitioner would submit that the minor detainee is to be educated and prayed this Court to permit the petitioner as well as the mother of the detainee Seerin Banu to have visitation rights to see the minor detainee Samira Banu.

5.Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the respondents would submit that the investigation of the case in Crime No.214 of 2019 will be proceeded in accordance with law.

6.In the light of the fact that the detainee Seerin Banu is a major and it prima facie appears that on her own volition she has left the matrimonial home on account of matrimonial discard, this Court is not in a position to pass any positive order granting the custody of the detenus in favour of the petitioner.

7.In view of the above, the detainee Seerin Banu is at liberty to take a call on her future and wellbeing. The petitioner is at liberty to workout his remedy in accordance with law as to the custody and visitation rights of the minor detainee viz., Samira Banu. This Habeas Corpus Petition is disposed of accordingly.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

sj

To

1.The Commissioner of Police,
Madurai City.



2.The Inspector of Police,
Jaihindupuram Police Station,
Madurai - 11.

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

+1 CC to M/s.P.PARANTHAMAN, Advocate (SR-82113[F] dated
19/08/2019)

H.C.P (MD) No.542 of 2019
14.08.2019

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