



WEB COPY

**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.718 of 2019**

A.Abdul Jaleel

... Petitioner

Vs.

1. The Director General of Police,  
Office of the Director General of Police,  
Dr.Radakrishnan Salai,  
Mylapore,  
Chennai.
2. The Inspector General of Police,  
Office of the Inspector General of Police,  
Central Zone, Trichy,  
Trichy District.
3. The Superintendent of Police,  
Office of the Superintendent of Police,  
Trichy District.
4. The Inspector of Police,  
Thuvarankurichi Police Station,  
Trichy District.

5. Mohemed Kasim

... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the respondents 1 to 4 to produce the person or body of the petitioner's wife, namely, A.Safana, W/o.Abdul Jaleel, aged about 23 years before this Court and set her at liberty.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.K.Dinesh Babu

Additional Public Prosecutor  
for R.1 to R.4

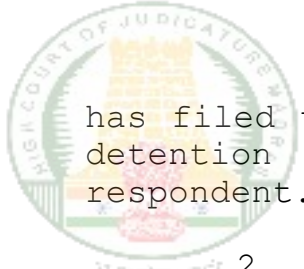
Mr.V.Kannan for R.5

**ORDER**

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

<https://hcservices.ecourts.gov.in/hcservices/>

The petitioner, claims to be the husband of the detenu, namely, A.Safana, aged about 23 years, who is also an MBBS graduate,



has filed this Habeas Corpus Petition, alleging illegal custody and detention of his wife at the hands of his father-in-law / fifth respondent.

2. According to the petitioner, he discontinued his studies of B.A. (Economics) from Jamal Mohamed College, Trichy, on account of the financial situation of the family and went to the Kingdom of Saudi Arabia and worked there as a Driver for nearly five years and returned to his native place in the year 2013 and now, he is earning his livelihood by operating a private travels in the name and style of "A.J. Travels". The petitioner would further aver that the detenu's family resided nearby to his house and they fell in love with each other and decided to get married and however, the family members of the detenu did not like the proposal and therefore, on 04.09.2017, they got married at Sangeeth Mahal, Subramaniyapuram, Trichy. The said marriage was also registered in the office of the Sub Registrar, K.Sathanur, Trichy District, vide Marriage Sl.No.440/2017.

3. The petitioner would further allege that on 14.06.2019, the father of the detenu lodged a complaint on the file of the fourth respondent and accordingly, he and the detenu appeared before the Inspector of Police, All Women Police Station seeking protection. It is the specific case of the petitioner that on 12.07.2019, the fifth respondent / father of the detenu has forcibly taken his wife to some unknown location and he also received messages to his Smartphone from his wife and the petitioner, very much concerned about the safety and well being of his wife / detenu, submitted a representation dated 27.07.2019 to The Principal Secretary to Government, Home Department, State of Tamil Nadu; The Director General of Police, Chennai; The Inspector General of Police, Central Zone, Trichy; The Superintendent of Police, Trichy; and The Inspector of Police, Thuvarankurichi Police Station, Trichy and thereafter, came forward to file this Habeas Corpus Petition.

4. The learned Counsel for the petitioner would submit that admittedly, the detenu is a major and also well educated and she also knows the consequences of her marriage with the petitioner and though the fifth respondent is a parent, he cannot detain the detenu against her wish and therefore, prays for appropriate orders.

5. The petitioner as well as the detenu are present before this Court and the detenu would state that by paying capitation fee, she was admitted to Mahatma Gandhi Medical College and Research Institute, Puducherry and she has successfully completed the course and she is now undergoing internship and she would further add that she is in love with the petitioner and on her own volition, got married and expresses her intention to be with the petitioner.

6. The parents of the detenu are also present before this Court and they would state that admittedly, the petitioner is not even a graduate and by mincing sweet words and hoodwinking their



daughter, he managed to take her away and they would further add that definitely, her future will not be good if she remains with the petitioner and therefore, prays for appropriate orders for entrustment of her custody to them.

7. The learned Additional Public Prosecutor appearing for the State, on instructions, would submit that based on the complaint given by the petitioner, C.S.R.No.168 of 2019 has been registered.

8. The learned Counsel for the fifth respondent would also made a submission that on verification, there was no marriage performed at Sangeeth Mahal, Subramaniyapuram, Trichy on 04.09.2017 and by producing false and fictitious documents and with the connivance of the Sub Registrar, K.Sathanur, Trichy District, the alleged marriage came to be registered and further pointed out that these kind of things are repeatedly happening and therefore, prays for ordering appropriate investigation.

9. In response to the said submission, the learned Additional Public Prosecutor, on instructions, would submit that a case will be registered and the investigation will also cover the aspect of the alleged marriage between the petitioner and the detenu at Sangeeth Mahal, Subramaniyapuram, Trichy, on 04.09.2017 and also with regard to the registration of their marriage done by the Sub Registrar, K.Sathanur, Trichy District, vide Marriage Sl.No.440/2017. The said submission, on instructions, is placed on record.

10. Admittedly, the detenu is a major, aged about 23 years and she is well educated and took a decision on her own volition to be with the petitioner. Though the parents of the detenu, who are present before this Court, very much exhibited anxiety as to the future and well being of their daughter, this Court is unable to come to their aid for the reason that the detenu, being an educated woman and also well aware of the consequences of her act, took a decision.

11. In the result, this habeas corpus petition is disposed of and the detenu is set at liberty and she is entitled to take a decision as to her future and well being.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS )

To

1. The Director General of Police,  
Office of the Director General of Police,  
Dr.Raaskrishnan Salai,  
Mylapore, Chennai.



2. The Inspector General of Police,  
Office of the Inspector General of Police,  
Central Zone, Trichy,  
Trichy District.

3. The Superintendent of Police,  
Office of the Superintendent of Police,  
Trichy District.

4. The Inspector of Police,  
Thuvarankurichi Police Station,  
Trichy District.

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

+1 CC to Mr.V.KANNAN, Advocate ( SR-81832[F] dated 16/08/2019 )

**H.C.P(MD) No. 718 of 2019**  
**14.08.2019**

**gk/dsk**

MK (29.08.2019) 4P 7C