



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :22.08.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P(MD)No.846 of 2019 and
Cr1.MP.(MD)No.7485 of 2019

T.Tamil Malar

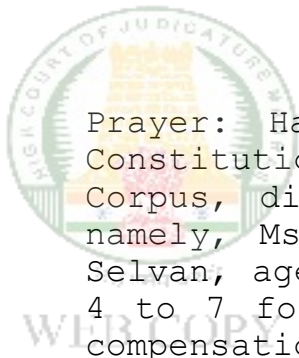
... Petitioner/ Advocate

Vs.

- 1.State of Tamil Nadu,
Rep. by Home Secretary,
Fort St.George,
Chennai - 9.
- 2.The Director General of Police,
O/o. The Director General of Police,
No.601, Dr.Radhakrishna Salai,
Mylapore,
Chennai.
- 3.The Commissioner of Police,
O/o. The Commissioner of Police,
Madurai City, Madurai.
- 4.The Inspector of Police,
Mathichiyam Police Station,
Madurai District.
- 5.The Inspector of Police,
All Women Police Station,
Thallakulam, Madurai.
- 6.The Inspector of Police,
SS Colony Police Station, Madurai.
- 7.The Manager,
Issac Patrick Home,
Sirungeri Nagar,
Bye Pass Road, Madurai.

8.V.Thamaraiselvan

... 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 3 to release the detenu, namely, Ms.Kundavai Natchiyar @ Jannathul Firdhous, D/o.V.Thamarai Selvan, aged above 27 years, from the illegal custody in respondents 4 to 7 forthwith and set her at liberty and consequently provide compensation to the petitioner.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.S.Chandrasekar

Additional Public Prosecutor
for R.1 to R.5

ORDER

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

The petitioner is a practising Advocate of Madurai Bench of Madras High Court and she came forward to file this Habeas Corpus Petition, alleging the detenu, namely, Kundavai Natchiyar @ Jannathul Firdhous, D/o.V.Thamarai Selvan, who was aged about 27 years and on her own volition, got converted as a Muslim, has been kept in the Home of the seventh respondent, without her permission and consent, at the instance of the fifth respondent and therefore, constrained to file this petition for her production and release.

2. The matter is moved today by way of "lunch motion".

3. This Court heard the submissions of Mr.T.Lajapathi Roy, learned Counsel for the petitioner, who has drawn the attention of this Court to the representation of the detenu dated 19.08.2019, which was enclosed in the typed set of documents, wherein, she has stated among other things that on her own volition, she got attracted to Islamic path and converted as Muslim and however, it was not liked by her parents and fearing threat to her life, she went to Jammiyathul Ahlil Quran Val Hadees (JAQH) Society, Madurai, for accommodation and therefore, prayed for appropriate permission. The President, JAQH, Madurai, has also submitted a representation through e-mail, dated 20.08.2019 to the Director General of Police, Chennai, about the said fact and has also submitted representation to the official respondents herein and so also the petitioner and hence, the learned Counsel prays for appropriate orders for the detenu's immediate release.

4. Per contra, Mr.S.Chandrasekar, learned Additional Public Prosecutor, who accepts notice on behalf of the respondents 3 to 6, on instructions, would submit that for the own safety of the detenu, she has been ordered to be confined at the seventh respondent Home and the said respondent will abide by to the orders passed by this Court.



5. The learned Additional Public Prosecutor has also produced the files relating to the present case and it would disclose that the detenu, during the course of her studies, developed love affair with one Abubakkar Siddhiq Ali and for the purpose of marrying him, got converted and became a Muslim and she is waiting to go to the matrimonial home. It would also disclose that the fourth respondent, who initially received the complaint, has forwarded the complaint to the fifth respondent and at the instance of the fifth respondent, for the reason of the detenu's safety, she is confined at the seventh respondent Home.

6. This Court has considered the rival submissions made by the respective learned Counsel appearing for the parties and also perused the records placed before it.

7. Admittedly, the detenu is a major, aged about 27 years and she is also well educated, having acquired a Degree in Bachelor of Dental Surgery (BDS) and it, prima facie, appears that the detenu, on her own volition, took a decision to become a Muslim, for the purpose of marrying her lover, namely, Abubakkar Siddhiq Ali and she is waiting to join him. In the interregnum period, she is kept at the seventh respondent Home. It is also brought to the knowledge of this Court that on account of the fact that the detenu became a Muslim, her parents are not willing to take her back.

8. The detenu is a major and also well educated and therefore, she is entitled to decide her future and she is also not willing to be kept in the seventh respondent Home. Therefore, this Habeas Corpus Petition is disposed of, with a direction to the respondents 5 & 7 to release the detenu forthwith, so as to enable her to take a call as to her own future and well being. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar

To

1.The Home Secretary,
State of Tamil Nadu,
Fort St.George,
Chennai - 9.

2.The Director General of Police,
O/o. The Director General of Police,
No.601, Dr.Radhakrishna Salai,
Mylapore, Chennai.

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



3.The Commissioner of Police,
O/o. The Commissioner of Police,
Madurai City,
Madurai.

4.The Inspector of Police,
Mathichiyam Police Station,
Madurai District.

5.The Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai.

6.The Inspector of Police,
SS Colony Police Station,
Madurai.

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

+3 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-83422[F] dated
26/08/2019)

H.C.P(MD)No.846 of 2019
22.08.2019

GK/DSK
MS/16.09.2019/4P.11C