

THE HON'BLE JUSTICE G.SRI DEVI

CRIMINAL PETITION No.7129 of 2019

ORDER:

This Criminal Petition, under Section 482 of the Code of Criminal Procedure, 1973 is filed by the petitioner, who is the husband of the 2nd respondent/victim, seeking to quash the order, dated 01.10.2019 in CrI.M.P.No.130 of 2019 in S.C.No.555 of 2019 passed by the Principal Assistant Sessions Judge, Ranga Reddy District at L.B.Nagar, and consequently direct the concerned Prajwala Rescue Home, Tukkuguda, Maheshwaram Mandal, Ranga Reddy District, to release the 2nd respondent/victim, namely Noor Zahan Bibi by granting interim custody for her better care and future.

2. Heard the learned counsel for the petitioner, learned Additional Public Prosecutor appearing for the 1st respondent/State and perused the record.

3. The petitioner herein filed the aforesaid criminal miscellaneous petition under Section 17 of the Immoral Traffic (Prevention) Act, 1956, to direct the Prajwala Rescue Home, Tukkuguda, Hyderabad, to release the 2nd respondent herein and to grant custody of her to the petitioner. The Court below, dismissed the said petition. Challenging the same, the present petition is filed.

4. On 08.11.2019 when the matter was taken up for admission, this Court directed the Prajwala Rescue Home, Tukkuguda, Maheshwaram Mandal, Ranga Reddy District, to produce the 2nd respondent/victim, namely Noor Zahan Bibi, before this Court

under proper custody, along with a report of the said Rescue Home, on 19.11.2019.

5. As per the directions of this Court, Sri M.Sudarshan, Assistant Coordinator and Ms. Eitimirza, Field Worker of Prajwala Rescue Home, Tukuguda, Maheshwaram Mandal, Ranga Reddy District, are present before this Court and produced the 2nd respondent/victim along with a report.

6. On a question put by this Court, the 2nd respondent/victim disclosed that her name is Noor Zahan Bibi and her husband's name is Mohd Hasib Khan, who is the petitioner herein. When this Court asked her whether her husband is present in the Court, she says that her husband is present in the Court. When this Court asked her whether the petitioner is asking her to do prostitution, she stated that the petitioner never forced her to do prostitution and he is looking after her properly. She further states that she got married the petitioner about one year ago and they used to stay in Mumbai and she used to do household work and her husband is doing Mason work.

7. When this Court asked the 2nd respondent/victim with regard to the case in S.C.No.555 of 2019, she stated that by mistake she came to Hyderabad in a train. She further stated that she is aged about 25 years and she does not want to stay in Prajwala Rescue Home and she wants to go along with her husband to Mumbai to lead happy marital life with him. When the Court asked the petitioner whether he is willing to take back the 2nd respondent/victim along with him, he stated that he wants to take the 2nd respondent along with him.

8. Having regard to the above and since the 2nd respondent/victim is a major and she wants to go with her husband to Mumbai, this Court finds that the Court below erred in dismissing the said petition by holding that “it will be better if the victim is re-integrated only after she is rehabilitated” and as such the impugned order is liable to be set aside.

9. Accordingly, the Criminal Petition is allowed setting aside the order, dated 01.10.2019, passed in CrI.M.P.No.130 of 2019 in S.C.No.555 of 2019 on the file of the Principal Assistant Sessions Judge, Ranga Reddy District at L.B.Nagar. Further, the authorities of Prajwala Rescue Home, Tukruguda, Maheshwaram, Ranga Reddy District, are directed to release the 2nd respondent/victim forthwith. The 2nd respondent/victim is at liberty to go with her husband or wherever she wants to go. However, since the 2nd respondent has expressed her intention to go along with the petitioner, she is at liberty to go along with him.

10. Further, since the 2nd respondent/victim is the main victim in S.C.No.555 of 2019 pending on the file of Principal Assistant Sessions Judge, Ranga Reddy District at L.B.Nagar, the petitioner is directed to ensure the presence of the 2nd respondent/victim on the date when her evidence/statement is to be recorded by the Court concerned. Further, the petitioner is directed to furnish the full address where the petitioner and 2nd respondent are staying and also furnish further details viz., Aadhar cards, Gas connection etc before the authorities concerned.

Miscellaneous petitions, if any, pending in this petition shall stand closed.

JUSTICE G.SRI DEVI

19th November, 2019

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Date: 19.11.2019

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