

HIGH COURT FOR THE STATE OF TELANGANA

THE HON'BLE THE ACTING CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Writ Petition No.46121 of 2018

Date: 13.06.2019

Between:

T. Rajender Singh

...Petitioner

And

The State of Telangana,
Rep.by its Principal Secretary,
Home Department, Secretariat, Hyderabad,
and others.

...Respondents

Counsel for the petitioner : Mr. S. Ramesh Babu
representing Mr. G.L.Narsimha Rao

Counsel for the respondents: Government Pleader Mr. Santhosh Kumar
attached to the office of the Advocate General

The Court made the following:

ORDER: (Per the Hon'ble the Acting Chief Justice Raghvendra Singh Chauhan)

T. Rajender Singh, the petitioner, has filed this Habeas Corpus Petition ostensibly on the ground that his wife, Smt. Asharani @ Ruqaiyya Begum, is being detained illegally by his father-in-law, Mr. Sk. Saleemudhin, the respondent No.5.

According to the petitioner, on 10.12.2018 he had married Ruqaiyya Begum at Arya Samaj Laxmi Nagar, Hyderabad. However, as it was an inter-community marriage, subsequently, his in-laws kidnapped his wife. On 14.12.2018 he filed an FIR, namely FIR No.265 of 2018, against his in-laws for offences under Sections 366, 323 and 504 read with 34 IPC. However, despite lodging of the said FIR, the Police is yet to recover his wife from the clutches of his in-laws. Therefore, his wife continues to be illegally detained by the respondent No.5. Hence, this petition before this Court.

Learned counsel for the State informs this Court that Ruqaiyya Begum is present in the Court. Therefore, this Court has spoken to Ruqaiyya Begum.

She informs this Court that she is 22 years old. According to her, she is happily living with her parents. She further claims that on 10.12.2018 she was forcibly married to the petitioner. Therefore, she has no intention of going back to the petitioner. Thus, she wants to continue to live with her parents, namely, the respondent No.5, her father.

Considering the fact that Ruqaiyya Begum is major, considering the fact that she has expressed her will to live with the respondent No.5, her custody with the respondent No.5 cannot be said to be illegal one.

For the reasons stated above, this Court does not find any merit in the present Writ Petition; it is, hereby, dismissed.

The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

RAGHVENDRA SINGH CHAUHAN, ACJ

Dr. SHAMEEM AKTHER, J

13.06.2019

vs