

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

H.C.P. No. 1195 of 2020

B. Nabeen Thasif, Male, aged 23 years,
S/o. P. Babu,
D.No.39/18, Selambannan Street,
Sandaipettai Pudhur,
Namakkal District.

...Petitioner

Vs

1.The District Superintendent of Police,
Office of the District Superintendent,
Perambalur,
Perambalur District.

2.The Inspector of Police,
Perambalur City Police Station,
Perambalur,
Perambalur District.

3.Mohammed Kasim,
S/o. Not known,
No.255, Mela Street,
Kulumur, Ariyalur,
Pin Code - 621 714.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body or person of the petitioner's wife Fargana Begum, W/o. B. Nabeen Thasif, aged about 20 years before this Court and set her at liberty forthwith.

For Petitioner : Mr.W.Camyles Gandhi

For Respondents : Mrs. M. Prabhavathi (For R1 & R2)
(Additional Public Prosecutor)
Mr. A. Karthick (For R3)

O R D E R
(Order of the court was made by N.KIRUBAKARAN,J.)

The matter is heard through "Video Conferencing".

2. The petitioner has approached this Court seeking production of his wife viz., Fargana Begum, aged about 20 years before this Court and set her at liberty forthwith.

3. The petitioner alleged that one Fargana Begum, aged about 20 years got married with him as per the Muslim Customs and rights issued by Omalur Jamaat, Salem District, on 19.06.2020. Thereafter, they lived together as husband and wife. However, the said Fargana Begum's parents and relatives forcibly took her away, which compelled the petitioner to approach this Court by way of this Petition.

4. Heard Mr.W.Camyles Gandhi learned counsel appearing on behalf of the petitioner, Mrs. M.Prabhavathi, learned Additional Public Prosecutor appearing on behalf of the respondents 1 and 2 and Mr.A.Karthick learned counsel appearing for the 3rd respondent and perused the materials available on record.

5.Both the petitioner as well as the alleged detainee viz., Fargana Begum are present before this Court through Video Conference. The detainee appeared from the Perambalur Police Station. Though the petitioner would submit that he got married the detainee, the victim would state that she is not in illegal custody and she is with her parents and she is not inclined to go with the petitioner. Therefore, it is evident that she is not in illegal custody. Hence, it is open to the petitioner to seek appropriate relief before the appropriate forum.

6. With the above observation, this petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gsa

To

1.The District Superintendent of Police,
O/o.District Superintendent,
Perambalur, Perambalur District.

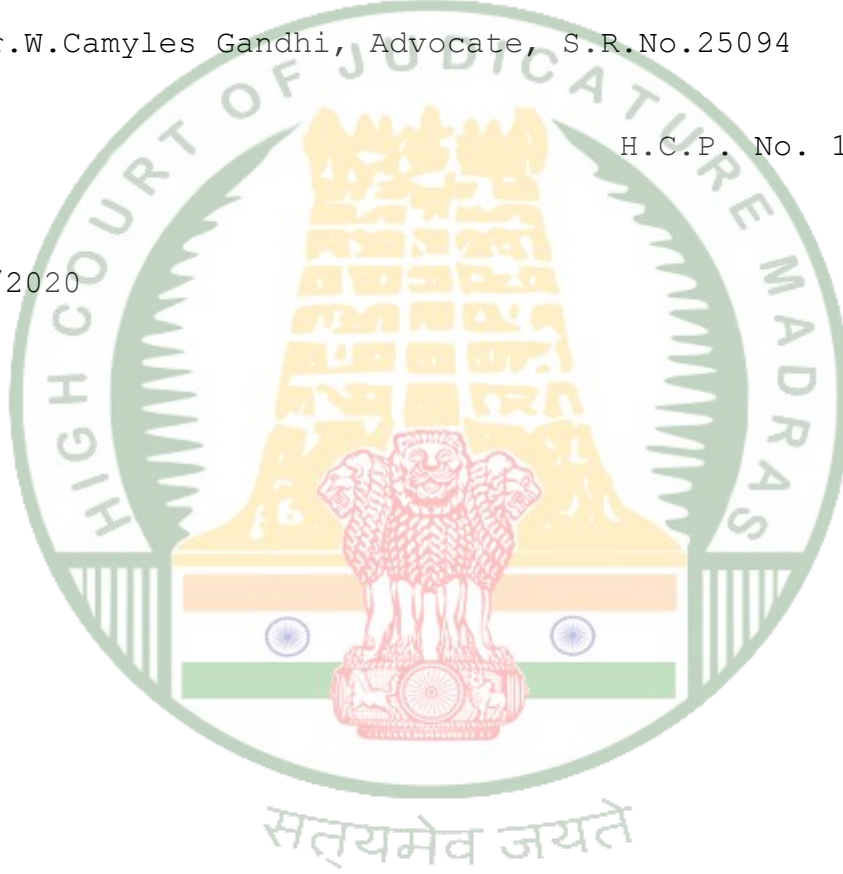
2.The Inspector of Police,
Perambalur City Police Station,
Perambalur, Perambalur District.

3.The Additional Public Prosecutor,
High Court, Madras - 104.

+1cc to Mr.W.Camyles Gandhi, Advocate, S.R.No.25094

H.C.P. No. 1195 of 2020

RR(CO)
KKV/05/08/2020



WEB COPY