



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.11.2021

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Mrs.JUSTICE R.HEMALATHA

H.C.P.No.1708 of 2021

S. Vignesh

...Petitioner

Vs.

1.The Superintendent of Police,
Ranipet District,
Ranipet 632 401.

2.The Inspector of Police,
Arcot Police Station,
Arcot, Ranipet District.

3.Jahangeer Basha

...Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS to direct the 2nd respondent to physically bring the body of the petitioner's wife namely S.J. Jahanaara, aged about 21 years before this Hon'ble Court and set her at liberty as per the petitioner's representation dated 15.09.2021 to the 1st respondent.

For Petitioner : Mr.R. Anbalagan

For R1 & R2 : Mr.R. Muniyapparaj,
Additional Public Prosecutor

O R D E R

[Order of the Court was made by P.N.PRAKASH, J.]

It is the case of the petitioner that he and S.J. Jahanaara, the daughter of the third respondent, were in love with each other and since he belongs to a different religion, their marriage was opposed by the parents of S.J.Jahanaara and therefore, they left their respective homes and got married on



20.08.2021; while that being so, Sulthana Begum, the mother of S.J.Jahanaara, lodged a police complaint, based on which, a case in Crime No.503/21 "for Woman Missing" was registered by the Arcot Town Police Station; during the course of investigation, the petitioner and his wife S.J.Jahanaara were secured by the police and were produced before the District Munsif-cum-Judicial Magistrate, Arcot, on 27.08.2021; the learned Magistrate conducted an enquiry and thereafter, passed the following order:

"The missing lady was produced before me on 27.08.2021 at 5.45 p.m. in the open court by SSI Mr. Suresh Kumar. The Aadhar Card of the missing girl was filed. The parents of the missing girl were interrogated and the mother of the missing girl had given in writing that they had seen their daughter. The missing lady had married one Vicky. He also appeared before me and stated that he would take the missing lady with him as they are married. Since there was no objection on the part of the DFC (defacto complainant), the missing lady was set to liberty. The written statements of the defacto complainant and the missing lady recorded.

Sd/-

District Munsif-cum-Judicial Magistrate"

Thereafter, at the request of S.J.Jahanaara, she was sent along with the petitioner.

2. It appears that the petitioner and S.J.Jahanaara stayed in the house of S.J.Jahanaara's parents for three days from where the petitioner was going for job. Thereafter, the petitioner was not able to have any contact with S.J.Jahanaara and that since her parents refused to let her out, the petitioner has filed the present Habeas Corpus Petition.

3. On 27.10.2021, we passed the following order:

"Mr. R. Muniyapparaj, learned Additional Public Prosecutor takes notice for the respondents 1 and 2.

2. Private notice to the 3rd respondent returnable by 12.11.2021.

3. The 2nd respondent/police is directed to produce the detainee S.J. Jahanaara, aged about 21 years, before this Court on 12.11.2021. The petitioner shall also be present before this Court on 12.11.2021.

Post on 12.11.2021."



4. Today, Mr.J.Vasu, SSI and Ms.Geetha, (Grade-I 1488), Arcot Police Station are present. S.J.Jahanaara is present with her parents. The petitioner is present with his counsel via video conferencing.

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5. When enquired by us, S.J.Jahanaara stated that her date of birth is 13.02.1999; she has completed B.Sc, B.Ed. and she got married to the petitioner on 20.08.2021. However, when we asked her whether she wants to go with the petitioner or her parents, she stated that she wants to go with her parents. Since she is not a minor, we cannot force her to go with the petitioner.

In view of the above, this Habeas Corpus Petition stands closed with liberty to the petitioner to work out his remedy in the manner known to law.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police,
Ranipet District, Ranipet 632 401.

2.The Inspector of Police,
Arcot Police Station,
Arcot, Ranipet District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to R.Anbalagan, Advocate Sr No.58384

H.C.P.No.1708 of 2021

AD (CO)
PR (26/11/2021)