



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2021

CORAM:

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE G.ILANGO VAN**

H.C.P. (MD) No.189 of 2021

Mohamed Jarjees Ali

... Petitioner

-VS-

1.State Represented through
The Superintendent of Police,
District Police Office,
Thanjavur District.

2.The Inspector of Police,
All Women Police Station,
Kumbakonam,
Thanjavur District.

3.J.Salim

4.Mubarak Joh

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents No.1 and 2 to produce the body or person of detenu namely Shafin Sha W/o Mohamed Jarjess Ali aged about 20 years before this Court and set her at liberty.

For Petitioner : Mr.A.Syed Abdul Kather

For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor
(for R1 & R2)

Mr.J.Sulthan Basha for
M/s Ajmal Associates (for R3 & R4)

O R D E R

[Order of the Court was made by K.KALYANASUNDARAM, J.]

This habeas corpus petition has been filed for a direction to the respondents 1 and 2 to produce the petitioner's wife namely,

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



Shafin Sha, aged about 20 years before this Court and set her at liberty.

2.The petitioner would state that he married the detinue on 10.10.2020. At that time, the detinue's parents were not willing to the marriage, but they kept quite for about three months and thereafter, lodged a complaint to the local jamath. Thereafter, they also threatened the petitioner as well as the detinue and hence, a complaint was lodged on 10.01.2021 for police protection and thereafter, the respondents 3 and 4 have illegally abducted the detinue and hence, the present petition.

3.When the matter was taken up for hearing on 08.02.2021, the detinue appeared before this Court. On enquiry, she would state that on her own volition, she is now residing with her parents and she also stated that she is not illegally detained by her parents. Hence, at request of the petitioner, this matter was adjourned.

4.Today, when the matter is taken up for hearing, Mr.J.Sulathan Basha, learned counsel for the detinue as well as the respondents 3 and 4 would state that the detinue is not interested to go with the petitioner and she wants to live with her parents.

4. In view of the above fact, we find no merits in this habeas corpus petition and hence, the same is dismissed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

skn

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

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



To

1.The Superintendent of Police,
District Police Office,
Thanjavur District.

2.The Inspector of Police,
All Women Police Station,
Kumbakonam,
Thanjavur District.

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

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-6780[F] dated
23/02/2021)

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KM (05.03.2021) 3P 5C