

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

TUESDAY, THE EIGHTH DAY OF JUNE
TWO THOUSAND AND TWENTY ONE

PRESENT

**THE HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY
AND
THE HONOURABLE Dr. JUSTICE SHAMEEM AKTHER**

WRIT PETITION NO: 12365 OF 2021

Between:

Koushik Shivalal Kanchani, S/o. Shivalal Panchani, aged 45 years, Occ. Business,
R/o. Flat No. 301, 3rd Floor Block 4, Gayatri Apartments, TSIIIC Colony, Qutubullapur,
IDA, Jeedimetla, Ranga Reddy District - 500 055.

...PETITIONER

AND

1. The State Telangana, Rep., by the Principal Secretary, Home Department,
Secretariat, Hyderabad.
2. The Commissioner of Police, Cyberabad Commissionerate, Cyberabad.
3. The Station House Officer, Jeedimetla Police Station, Jeedimetla, Cyberabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Habeas Corpus, seeking a direction to the respondents police to produce the petitioner's daughter namely Panchani Divya Kaushik, aged 22 years, before this Hon'ble Court and set her free who is illegally detained by the police from 06/05/2021 without having any valid complaint or without producing the petitioner's daughter till date before any magistrate and kept custody of the petitioner's daughter

Counsel for the Petitioner : SRI C.RAM PRASAD

Counsel for the Respondents : AGP FOR HOME

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY
AND
THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.12365 of 2021

ORDER: (Per Hon'ble Dr. Justice Shameem Akther)

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner, who is the father of the alleged detenu Panchani Divya Kaushik, aged 22 years, seeking a Writ of Habeas Corpus directing the respondents to produce the alleged detenu before this Court, *inter alia* contending that the alleged detenu is being illegally detained by the police from 06.05.2021.

2. We have heard the submissions of the learned counsel for the petitioner, the learned Assistant Government Pleader for Home appearing on behalf of the respondents and perused the record.

3. Pursuant to the order of this Court, dated 01.06.2021, the alleged detainee, namely, Panchani Divya Koushik, is produced before this Court virtually. This Court is pleased to interact with the alleged detainee. She has stated to this Court in clear terms that she is 22 years old and she is married to Shaik Sameeruddin on 07.05.2021 and she has been converted to Islam and her name is Sameera Begum and she is residing with her husband voluntarily and that she is not forcefully or illegally detained by anybody.

4. Here, it is apt to state that Habeas Corpus is a writ calling upon the person who has illegally/wrongfully detained another, to produce the latter before the Court, in order to let the Court know on what ground he/she has been detained, and to set him/her free if

there is no legal justification for the detention. A writ of Habeas Corpus cannot be issued, when a person is not in illegal/unlawful detention.

5. In the instant case, as per the statements of the alleged detainee, she is not forcefully or illegally detained by anybody, as contended by the petitioner. Under these circumstances, no relief as sought by the petitioner can be granted. The Writ Petition is devoid of merit and is liable to be dismissed.

6. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

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

//TRUE COPY//

SD/- I.NAGALAKSHMI
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. One CC to Sri C.Ram Prasad, Advocate [OPUC]
 2. Two CCs to the GP for Home, High Court for the State of Telangana, Hyderabad (OUT)
 3. Two CD Copies
- Kj.

AN

HIGH COURT

DATED:08/06/2021



ORDER

WP.No.12365 of 2021

DISMISSING THE WRIT PETITION
WITHOUT COSTS.

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15/6/21
H/V