

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

**THURSDAY ,THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY TWO**

PRESENT

**THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER
AND
THE HONOURABLE SRI JUSTICE N.TUKARAMJI**

WRIT PETITION NO: 26717 OF 2022

Between:

Mrs. Meena, W/o Shaik Nurul Islam , A/A 37 years, Occ. Business, R/o Plot
No.9-6-73/B/3, Anjaiah Nagar, Old Boinpally, Secunderabad, Hyderabad - TS
- 500 009

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Home Department, Secretariat, Hyderabad.
2. The Director General of Police, Telangana State, office at Lakdikapool, Hyderabad.
3. The Commissioner of Police, Hyderabad at Basheerbagh, Hyderabad.
4. The Deputy Commissioner of police, North Zone, Secunderabad, Hyderabad
5. The Assistant Commissioner of Police, Begumpet, Hyderabad - 500016.
6. The Station House Officer, Boinpally Police Station, Secunderabad Hyderabad 500009

...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, to produce daughter of the petitioner viz., Mrs. Rana Ferdouse, 20 years, who is in illegal custody of unofficial respondents, before this Honorable Court and to handover her to the petitioner.

Counsel for the Petitioner :SRI. MUJEEB MA

Counsel for the Respondents: THE ADVOCATE GENERAL

The Court made the following:

**THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER
AND
THE HON'BLE SRI JUSTICE N. TUKARAMJI**

WRIT PETITION No.26717 OF 2022

ORDER: (Per the Hon'ble Dr SA,J)

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

"to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Habeas Corpus, to produce daughter of the petitioner viz., Mrs. Rana Ferdouse, 20 years, who is in illegal custody of unofficial respondents, before this Hon'ble Court and to handover her to the petitioner, and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case".

2. Heard the learned counsel for the petitioner, learned Assistant Government Pleader for Home appearing for the respondents and perused the record.

3. The case of the petitioner is that her daughter namely Rana Firdouse, aged about 20 years, is missing since 16.06.2022 and therefore, she sought a direction to respondents-police to produce her daughter before this Court and handover her to the petitioner.

4. On 24.06.2022, this Court was pleased to pass the following order:

"Heard. Perused the record.

It is brought to the notice of this Court by the learned Assistant Government Pleader for Home that a criminal case is registered under the head "woman missing" and investigation is in progress and seeks time to find out the whereabouts of the missing person.

Post on 15.07.2022."

5. This Court, at the request of the learned Assistant Government Pleader for Home was pleased to list the case today enabling the respondent-police to produce the alleged detainee, viz., Rana Firdouse.

6. Today, the alleged detainee-Rana Firdouse, is produced before this Court and this Court is pleased to interact with her. She stated that her name is Rana Firdouse and she is aged about 20 years and presently, she is residing at Yakatpura. She further stated that last month, she married one Ameer Khan and wanted to continue to live with him. She also stated that she voluntarily married said Ameer Khan and she was not illegally or unlawfully detained by Ameer Khan or any other person.

7. 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.

8. In the instant case, as seen from the interaction made by this Court with the alleged detainee-Rana Firdouse, she is aged about 20 years and presently, residing at Yakatpura with her husband-Ameer Khan. The statement given before this Court by the alleged detainee-Rana Firdouse establishes that she was not illegally or unlawfully detained by Ameer Khan or any other person. In view of the aforesaid statement given by the alleged detainee-Rana Firdouse, it cannot be said that there is illegal or unlawful detention, as alleged by the petitioner. Under these circumstances, the relief sought by the petitioner in this writ petition, do not merit consideration. However, it is open to the aggrieved person to work out the remedies before the competent Court, in accordance with law.

9. With the above observations, this Writ Petition is disposed of.

Miscellaneous petitions pending, if any, shall stand closed.

There shall be no order as to costs.

//TRUE COPY//

SD/- B. SATYAVATHI
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Home Department, State of Telangana, Secretariat, Hyderabad.
2. The Director General of Police, Telangana State, office at Lakdikapool, Hyderabad.
3. The Commissioner of Police, Hyderabad at Basheerbagh, Hyderabad.
4. The Deputy Commissioner of police, North Zone, Secunderabad, Hyderabad
5. The Assistant Commissioner of Police, Begumpet, Hyderabad - 500016.
6. The Station House Officer, Boinpally Police Station, Secunderabad Hyderabad 500009
7. One CC to Sri. Mujeeb MA Advocate [OPUC]
8. Two CCs to the Advocate General, High Court for the State of Telangana. [OUT]
9. Two CD Copies.
10. One Spare Copy

PM

GJP

HIGH COURT

DATED:14/07/2022

ORDER

WP.No.26717 of 2022



Disposing of the WP
without costs.

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MA
6/10/22