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H.C.P.No.789 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.No.789 of 2023

Mukthiyar Ahamed
S/o.Abdul Jaleel

.. Petitioner

Vs.

1. The Commissioner of Police
Greater Chennai
Vepery, Chennai-07.
2. The Inspector of Police
R-7, K.K.Nagar Police Station
Chennai-78.

..Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the first respondent to produce body of person of his daughter xxx, D/o Mukthiyar Ahamed, aged about 19 years before this Hon'ble High Court and set her liberty.



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For Petitioner : Ms.R.Malathi
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by
Mr.N.Narkeeran
Advocate

ORDER

[Order of the Court was made by M.SUNDAR, J.,]

The nucleus of the captioned 'Habeas Corpus Petition' [hereinafter 'HCP' for the sake of convenience and clarity] is 'xxx' [we are masking the name for obvious reasons and we shall hereinafter be referring to the petitioner's daughter as 'absentee' for the sake of convenience], date of birth of the absentee is 08.07.2003 and Aadhaar Card has been produced before us. This means that the absentee is clearly a major as of today.

2. As regards the crux of the captioned HCP is concerned, the petitioner who is father of the absentee submits that the absentee was missing from 12 noon on 17.04.2023. A complaint was registered with the second respondent police vide Crime No.79 of 2023 and there was inaction.

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The petitioner apprehending that the absentee could have been illegally detained or held in illegal custody filed the captioned HCP in this Court on 02.05.2023 and Honourable Vacation Bench issued notice on 04.05.2023.

3. Today, Ms.R.Malathi, learned counsel for petitioner, petitioner along with his spouse (absentee's mother), Mr.R.Muniyapparaj, learned Additional Public Prosecutor (assisted by learned counsel Mr.N.Narkeeran) for both respondents instructed by Mr.S.Jeeva, Sub-Inspector of Police, R7, K.K.Nagar Police Station are before us.

4. Learned Prosecutor submitted that the absentee has since been located, she has married one Sheik Sahabudeen. Learned Prosecutor submitted that Sheik Sahabudeen is also a major. The Marriage Certificate i.e. the extract from the Marriage Certificate Register of a Jamahath in Ramanathapuram has also been placed before us.

5. The absentee and Sheik Sahabudeen were present in Court. This Bench had interaction with the absentee followed by interaction with the petitioner (absentee's father), the following aspects of the matter emerged:



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(a) The petitioner, who was present along with his spouse was eager to talk to the absentee and the petitioner's say is that he is eager to provide *inter alia* for financial independence of the absentee besides medical care owing to a road accident which is said to have happened some time in 2015;

(b) The absentee was clear and firm that she did not want to interact with the petitioner and/or petitioner's spouse i.e., her parents;

(c) To be noted, the absentee was given an option of interacting within the Court hall but the absentee was firm that she does not want to interact;

(d) The absentee also made it clear that she has married Sheik Sahabudeen, she is happily married and that she wants to live with him as a matrimonial home;

6. The narrative thus far *inter alia* captures what unfurled in the hearing. The sequitur is, there is no illegal detention and the absentee by her own volition has married a person and wants to live with the person whom



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she has married. This brings the habeas corpus legal drill to an end.

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7. We drop the curtains on the captioned HCP capturing what transpired in the hearing. Captioned HCP is disposed of as closed. There shall be no order as to costs.

(M.S.,J.)

(R.S.V.,J.)

02.06.2023

Index : Yes / No

Speaking / Non-speaking order

Neutral Citation : Yes / No

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To

1. The Commissioner of Police
Greater Chennai
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2. The Inspector of Police
R-7, K.K.Nagar Police Station
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3. The Public Prosecutor
High Court, Madras.

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and

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R.SAKTHIVEL, J.,

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