



WEB COPY



H.C.P.No.1391 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.No.1391 of 2023

M.Thameem Ansari

.. Petitioner

Vs.

1. The Assistant Commissioner of Police
Office of the Assistant Commissioner of Police
Royapettah, Chennai – 600 014

2. The Inspector of Police
D-4, Zam Bazar Police Station
Bharathi Salai, Triplicane
Chennai – 600 005

..Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the second respondent to produce the body of the petitioner wife namely M.Safiya Faizun, daughter of Mohaideen Shekkathi, aged about 20 years, before this Court and set her at liberty.

For Petitioner

: Mr.R.Thangamani

Page Nos.1/7



WEB COPY



H.C.P.No.1391 of 2023

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

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

This order will now dispose of the captioned 'Habeas Corpus Petition' [hereinafter 'HCP' for the sake of brevity].

2. Factual matrix in a nutshell is that one 'Safiya Faizun (Date of Birth:14.07.2004, aged 19 years)' [hereinafter 'absentee' for the sake of convenience and clarity] married the HCP petitioner M. Thameem Ansari, aged 27 years on 23.03.2023; that thereafter, the absentee thought that marriage will not work with the HCP petitioner who has now filed the captioned HCP after lodging a complaint dated 19.07.2023 with the second respondent police station (saying that absentee is missing); that there is apprehension that absentee may be in illegal custody/unlawful detention of her father Thiru.Mohaideen Shekkathi and that has impelled the HCP petitioner to file captioned matter.



H.C.P.No.1391 of 2023

3. Issue notice.

WEB COPY

4. Mr.A.Gokulakrishnan, learned State Additional Public Prosecutor accepted notice on behalf of both the respondents.

5. In the hearing today, petitioner's counsel Mr.R.Thangamani, State Public Prosecutor Mr.A.Gokulakrishnan {instructed by Mr.S.Rajeev, Inspector of Police (second respondent)}, absentee and absentee's father Thiru.Mohaideen Shekkathi were present.

6. This Bench had an interaction with the absentee and from the interaction the following points emerged:

(i) that the Absentee did marry the HCP petitioner on 23.03.2023 but post marriage also she continued /continues to stay with her father at 15/8, Soorappan Street, Triplicane – 600 005;

(ii) that the absentee is studying in a city college, she is pursuing B.Sc Biochemistry and she is in the final year;

(iii) that the absentee realized that the marriage will not work;

(iv) that the absentee has therefore initiated divorce



H.C.P.No.1391 of 2023

proceedings vide O.S.No.245 of 2023 on the file of VII

WEB COPY

Additional Judge's Court, Family Court, Chennai;

(v) that the next hearing date in the aforementioned Family Court is 16.09.2023;

(vi) that the absentee is clear that she wants to pursue the aforementioned divorce proceedings;

(vii) that the absentee wants to continue to stay with her parents (as father and mother are together in the above address) and pursue the divorce proceedings.

7. In the light of the narrative thus far, it comes to light that this is not a case of illegal detention or unlawful custody and therefore, we drop the curtains on the captioned HCP but we make it clear that all the rights and contentions of the HCP petitioner, absentee, absentee's father and / or any other person concerned with this matter are preserved for being pursued in collateral / connected proceedings in other Courts/ Fora or before any other Authority and more particularly in O.S.No.245 of 2023 on the file of VII Additional Judges Court, Family Court, Chennai. Though obvious, we also make it clear that Family Court shall proceed with the matter on its own



H.C.P.No.1391 of 2023

merits and in accordance with law untrammelled by this order which has been made for the limited purpose of a habeas corpus legal drill, which now stands concluded.

8. Curtains on captioned HCP.

9. Captioned HCP is disposed of as closed with the aforementioned directives. There shall be no order as to costs.

(M.S.,J.)

(R.S.V.,J.)

28.07.2023

Index : Yes /No

Speaking order / Non-speaking order

Neutral Citation : Yes/No

gpa



H.C.P.No.1391 of 2023

To

WEB COPY

1. The Assistant Commissioner of Police
Office of the Assistant Commissioner of Police
Royapettah, Chennai – 600 014
2. The Inspector of Police
D-4, Zam Bazar Police Station
Bharathi Salai, Triplicane
Chennai – 600 005
3. The Public Prosecutor
High Court, Madras.



WEB COPY



H.C.P.No.1391 of 2023

M.SUNDAR, J.,
and
R.SAKTHIVEL, J.,

gpa

H.C.P.No.1391 of 2023

28.07.2023

Page Nos.7/7