



WEB COPY



H.C.P.No.1459 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2023

Coram

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **R.SAKTHIVEL**

H.C.P.No.1459 of 2023

Karimullah

.. Petitioner

VS

1.The Superintendent of Police,
Tamil Nadu Housing Board,
Arakkonam North,
Arakkonam, Ranipet – 631 001.

2.The Inspector of Police,
SH-58, Arakkonam North,
Arakkonam Town,
Ranipet – 631 001.

3.J.Rameela

4.J.Raghul

5.J.Sachin

6.J.Jennifer

7.Shamma

Respondents

..

Petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of habeas corpus to direct the first
and second respondents herein to produce the person or the body
of petitioner's daughter namely Fathima @ Gousini, aged 19 years
from the illegal custody of the third to seventh respondents herein
before this Court and set her at liberty.



H.C.P.No.1459 of 2023

For Petitioner : Ms.A.Ayesha Parveen
for Mr.Y.R.Pavendhan
For Respondents : Mr.A.Gokulakrishnan,
Additional Public Prosecutor
for R1 and R2

ORDER

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

This order will now dispose of captioned 'Habeas Corpus Petition' (hereinafter 'HCP' for the sake of brevity, convenience and clarity).

2. Factual matrix in a nutshell is that petitioner's daughter is Ms.Fathima @ Gousini (date of birth 20.12.2003, 19 years old and major now); that the petitioner's daughter shall hereinafter be referred to as 'absentee' for the sake of convenience and clarity; that according to petitioner, absentee is missing from 20.07.2023 (04.00 p.m.); that the petitioner lodged a complaint with the second respondent police (SH 58 Arakonam Town Police Station); that this complaint was taken on file as FIR No.352 of 2023 dated 21.07.2023 (woman missing); that the captioned HCP has been filed in this Court on 28.07.2023 alleging that absentee is in unlawful custody of respondents 3 to 6 and that seventh respondent is aiding respondents 3 to 6; that on 02.08.2023, another Hon'ble Division Bench issued notice; that the matter is



H.C.P.No.1459 of 2023

listed today.

WEB COPY

3. Today, Ms.A.Ayesha Parveen, learned counsel representing the counsel on record for petitioner, petitioner – Mr.Karimullah, petitioner's spouse – Ms.Rashitha Karimullah, Mr.A.Gokulakrishnan, learned State Additional Public Prosecutor for respondents 1 and 2 (official respondents), third respondent and absentee are present in Court.

4. This Court had interaction with the absentee, third respondent and the petitioner. To be noted, absentee had interaction with the petitioner and his spouse with adequate/ample privacy in the Court. This Court had interaction with the absentee after her interaction with her parents also. The following points emerge from the interaction:

4.1 The date of birth of absentee is 20.12.2003, she is aged 19 years and she is clearly a major;

4.2 Absentee, who was initially reluctant to talk to her parents subsequently had interaction with her parents with adequate/ample privacy for a reasonable length of time;

4.3 Absentee says that she is not in unlawful



WEB COPY



H.C.P.No.1459 of 2023

custody/illegal detention and that she has gone over to third respondent's residence on her own volition voluntarily;

4.4 Third respondent confirms that absentee is with her and says that she would be a good care giver for the absentee;

4.5 As per the Aadhar Card of third respondent, the address of third respondent is No.226, Indhira Nagar, Kilkuppam, Kilpakkam, Jothi Nagar, Vellore - 631 003;

4.5 Absentee reiterated that she wants to stay with the third respondent;

4.6 Third respondent confirmed that respondents 4, 5 and 6 are her two sons and daughter respectively;

4.7 Third respondent submitted that her daughter and absentee are good friends having interacted in a nearby place of worship;

4.8 The petitioner confirms that absentee has conveyed her above stated position to him and his spouse i.e., parents;

4.9 Absentee confirms that she was given in



H.C.P.No.1459 of 2023

WEB COPY

marriage (by her parents) to Shamshudeen on 22.05.2023 but still insists that she would go over with the third respondent and stay in her residence.

5. As regards second respondent police, learned Prosecutor is instructed by Mr.M.Palani, Special Sub Inspector of Police, Arakonam Town Police Station, Ranipet District and Ms.C.Aishwarya, Constable, Arakonam All Women Police Station, Ranipet District.

6. Petitioner's spouse is an elected representative and is Councillor qua Ward No.13 at Arakkonam.

7. Absentee expressed apprehension that there may be some high handed action by her parents. We make it clear that it is the responsibility of respondents 1 and 2 to ensure that nothing highhanded is precipitated as regards the absentee and her stay with the third respondent at the aforementioned address.

8. In the light of the narrative, discussion and dispositive reasoning thus far, we deem it appropriate to preserve all the rights and contentions of petitioner, his spouse, respondents 3 to 7 and the absentee for any further or collateral action before any other court/s/forum/fora/authority/authorities. If there are any



H.C.P.No.1459 of 2023

other collateral or connected proceedings before court/s/forum/fora /authority/authorities, the court/s/forum/fora/authority/authorities shall deal with the matter on its own merits and in accordance with law untrammelled by this order which has been made for the limited purpose of habeas legal drill on hand.

9. We drop the curtains on the habeas legal drill on hand in the light of the narrative thus far albeit preserving the rights of all the parties in the aforesaid manner.

10. Captioned HCP is disposed of as closed in the aforesaid manner.

(M.S.,J.) (R.S.V.,J.)
10.08.2023

Index : Yes/No
Neutral Citation : Yes/No
mmi
To

- 1.The Superintendent of Police,
Tamil Nadu Housing Board,
Arakkonam North,
Arakkonam, Ranipet – 631 001.
- 2.The Inspector of Police,
SH-58, Arakkonam North,
Arakkonam Town,
Ranipet – 631 001.
- 3.The Judicial Magistrate – I,



H.C.P.No.1459 of 2023

Arakkonam.

4. The Public Prosecutor,
High Court, Madras.

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

mmi

H.C.P.No.1459 of 2023

10.08.2023