



H.C.P.(MD) No.178 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2023

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

and

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

H.C.P.(MD) No.178 of 2023

S.Haroon Rasheed

... Petitioner

Vs.

1.The Superintendent of Police,
Pudukottai District,
Pudukottai.

2.The Inspector of Police,
All Women Police Station,
Kottaipattinam,
Pudukottai District.

3.Mohamed Idries

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to



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issue a writ of Habeas Corpus, directing the respondents to produce the person or body of the detenu namely, Al Jesira, W/o.S.Haroon Rasheed, aged about 20 years, before this Court and set her at liberty.

For Petitioner : Mr.K.K.Samy

For Respondents : Mr.A.Thiruvadi Kumar, - for R1 & R2
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN, J.
and
K.K.RAMAKRISHNAN, J.

One Haroon Rasheed / petitioner, who claims to be the maternal uncle of one Al Jesira / detenu, daughter of Mohamed Idries / third respondent and alleging that the marriage with her was solemnized on 31.10.2022 by entering into a 'Deed of Marriage' in the presence of Notary Public, has filed this Habeas Corpus Petition, stating that on 29.12.2022 at about 11.30 a.m., the said Al Jessira was forcibly abducted by her father and other relatives.



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2. The respondent police has secured the girl and produced before this Court. The petitioner as well as the father of the detenu are also present before this Court.

3. From the affidavit filed in support of this Habeas Corpus Petition and on enquiry with the detenu, this Court finds that the detenu's father is employed in abroad and she is under the care and custody of the mother. The petitioner herein is the brother of the detenu's mother, aged about 41 years, claim to be a divorcee with one child, has enticed the detenu and taken her to the Advocate Office at Sivagangai and created a document called as 'Deed of Marriage'. This has been notarized by one K.Nagaraj, Advocate/ Notary Public.

4. The Division Bench of this Court has come down heavily about the marriage solemnized in the Advocate's Office and has held that those marriages are void and non-est in law. In spite of that, unfortunately, some of the learned Members of the Bar still continue this practice, which is, contrary to the conduct of an Advocate as stated in the Advocates Act.



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5. From the interaction with the detenu, we also find that she has been taken away by the petitioner herein on false promise and pretext. Therefore, the detenu is handed over to the father / third respondent, who is present here.

6. Accordingly, this Habeas Corpus Petition is dismissed. The second respondent police is directed to take appropriate action on the complaint given by the father of the girl and proceed with the same in accordance with law.

[G.J.,J.] [K.K.R.K.,J.]

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Index : Yes / No

Internet : Yes / No

NCC:Yes/No

RM



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Pudukottai District,
Pudukottai.
- 2.The Inspector of Police,
All Women Police Station,
Kottaipattinam,
Pudukottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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RM

ORDER MADE IN

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