



H.C.P.(MD) No.1640 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.12.2023

CORAM:

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

H.C.P.(MD) No.1640 of 2023

Shahul Hameed

... Petitioner

-VS-

1.The Superintendent of Police,
O/o. The Superintendent of Police,
Pudhukottai District.

2.The Inspector of Police,
O/o. Ganesh Nagar Police Station,
Pudhukottai District.

3.Ubaiyathulla

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents to produce the body or person of daughter namely Azlina Hajira, daughter of Shahul Hameed (petitioner herein) aged about 17 years before this Court and handover the custody of detainee to the petitioner forthwith.



H.C.P.(MD) No.1640 of 2023

WEB COPY

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor for R1 & R2

ORDER

[Order of the Court was made by P.VELMURUGAN, J.]

The petitioner has filed this habeas corpus petition seeking a direction to the respondents to produce his minor daughter viz., Azlina Hajira, aged about 17 years, before this Court and handover her custody with him forthwith.

2. The respondent police produced the detainee before this Court.

3. On enquiry, the detainee has categorically stated that her father (petitioner herein) and her brother have misbehaved with her and also scolded her by using unparliamentary words. She has further stated that she has not been either kidnapped or forcibly taken away her custody from the natural guardian. On her own volition, she is staying with her grandmother.



H.C.P.(MD) No.1640 of 2023

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4. The detainee is a minor. She has not attained the age of majority. However, she is able to understand about her welfare and also where she has to reside. Therefore, since the detainee, in clear terms, has stated that she has not been forcibly detained or kidnapped from the natural guardian and she has also made certain allegations against her father (petitioner herein) and brother, the present habeas corpus petition is not maintainable. However, the petitioner is at liberty to workout his remedy in the manner known to law.

5. With the above observations, this Habeas Corpus Petition is dismissed.

[P.V., J.] [N.S., J.]
28.12.2023

Index : Yes / No
Internet : Yes / No

krk / abr



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O/o. Ganesh Nagar Police Station,
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- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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