

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.915 OF 2019
[Arising out of S.L.P.(CrL.) No.5086 of 2019 @
S.L.P.(CrL.) Diary No.16563/2019]

Ansar Nisha

Appellant(s)

Versus

The State of Tamil Nadu and Others

Respondent(s)

O R D E R

Leave granted.

We have heard learned counsel for the appellant as well as the learned counsel for the respondent Nos.1 to 5. From the Office Report dated 29th May, 2019, it appears that the respondent No.6 has refused to accept notice. We, therefore, proceed to pass final orders in the appeal.

As the appellant is a major (22 years) and has expressed her desire to stay with the family of her husband (the respondent No.4), who is presently in custody, we do not see how the High Court could have passed impugned interim order directing the appellant to be housed in the home at Madras Christian Council of Social Service, No.21, 6th Main

Road, Jawahar Nagar, Perambur, Chennai. The appellant being a major would have a right to choose to stay in the house of her husband along with the relatives of the husband.

From the averments made before us in the appeal, it is quite clear that the appellant is clear of her intention to stay with her in-laws in their house and not with her parents. If that is so, we find no justification for the High Court to pass the impugned order.

Consequently, we allow the appeal and set aside the order of the High Court. The appellant, Ansar Nisha, be released forthwith from the home at Madras Christian Council of Social Service, No.21, 6th Main Road, Jawahar Nagar, Perambur, Chennai, where she is presently lodged.

.....CJI.
[Ranjan Gogoi]

.....J.
[Aniruddha Bose]

New Delhi
May 29, 2019.

ITEM NO.12

COURT NO.1

SECTION II-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CRIMINAL) Diary No.16563/2019

(Arising out of impugned final judgment and order dated 29-04-2019 in HCP No. 628/2019 passed by the High Court of Judicature at Madras)

ANSAR NISHA

Petitioner(s)

VERSUS

THE STATE OF TAMIL NADU & ORS.

Respondent(s)

(With appln.(s) for exemption from filing c/c of the impugned judgment and permission to file SLP without certified/plain copy of impugned order)

Date : 29-05-2019 This petition was called on for hearing today.

CORAM :

**HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIRUDDHA BOSE
(VACATION BENCH)**

For Petitioner(s) **Mr. P. V. Yogeswaran, AOR
Mr. Ashish Kumar Upadhyay, Adv.
Mr. Y. Lokesh, Adv.
Mr. Babul Kumar, Adv.**

For Respondent(s) **Mr. Rajeev M. Roy, Adv.
Mr. S. Parthasarathy, Adv.
Mr. M. Yogesh Kanna, Adv.**

**UPON hearing the counsel the Court made the following
O R D E R**

**Permission to file SLP without certified/plain copy
of the impugned order is granted.**

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, stand disposed of.

(Chetan Kumar)

A.R.-cum-P.S.

(Signed order is placed on the file)

(Anand Prakash)

Court Master