

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 25.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUDHAKAR
AND
THE HONOURABLE MR. JUSTICE P.N.PRAKASH

H.C.P. NO. 2418 OF 2015

K.Rajesh

... Petitioner

- Vs -

1. The Commissioner of Police
Chennai.
2. The Inspector of Police
Koyambedu Police Station
Chennai.
3. Pandichelvi
4. Mani

... Respondents

Petition filed for the issuance of a writ of habeas corpus directing the respondents to produce the detinue, Divya Bharathi, aged about 20 years, the wife of the petitioner, before this Court and set her at liberty.

For Petitioner : Mr. G.Muthukumar

For Respondents : Mr. A.N.Thambidurai,
Additional Public Prosecutor

ORDER

(DELIVERED BY P.N.PRAKASH, J.)

This petition has been filed for a direction to the respondents to produce the detinue, Divya Bharathi, aged about 20 years, the wife of the petitioner, before this Court and set her at liberty.

2. It is the case of the petitioner that he was in love with Divya Bharathi, aged about 20 years and that he got married to her on 20.8.15 at Neelangarai Temple, Neelangarai. It is further averred that the petitioner and his wife, viz., the detinue, belong to two different communities on account of which

the parents of Divya Bharathi had taken her away and is not permitting the detainee to join the petitioner to lead a peaceful matrimonial life. Though complaint was given to the police authorities, as no fruitful action was taken, the petitioner is constrained to file this petition.

3. Heard the learned counsel appearing for the petitioner and the learned Addl. Public Prosecutor appearing for respondents 1 and 2.

4. On notice, the detainee, Divya Bharathi is produced before this Court by her counsel. We enquired the detainee and she stated that she has married the petitioner and that she wants to go with the petitioner. The detainee further stated that she is being detained by her parents and they are not ready to recognise the marriage of the detainee with the petitioner since the petitioner belongs to a different community.

5. Since the detainee is a major and is free to choose her own life, this Court sets the detainee at liberty so that she could chalk out her life on her own. This habeas corpus petition is disposed of with the above observation and direction.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

GLN

To

1. The Commissioner of Police
Chennai.
2. The Inspector of Police
Koyambedu Police Station
Chennai.
3. The Public Prosecutor
High Court, Madras.

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BVR(CO)
CA(11/12/2015)