

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.11.2015

CORAM

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

HCP.No.2753/2015

L.Charles Benson

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Petitioner

Versus

1.The Director General of Police
Tamilnadu Police, Mylapore
Chennai-4.

2.The Commissioner of Police
The Greater Chennai, Veppery
Chennai-7.

3.The Superintendent of Police
Kancheepuram District.

4.The Superintendent of Police
Pudukottai District.

5.The Inspector of Police
Guduvancherry Police Station
Kancheepuram District.

6.The Inspector of police
Karaiyur Police Station
Pudukkottai District.

7.Mr.S.Azhagarsamy

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Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Habeas Corpus directing the respondents to produce the body and person of the petitioner's wife, Devika, D/o.Azhagarsamy aged about 23 years, before this Court and rescue her from illegal custody of the 7th respondent and set her at liberty.

For Petitioner : Mr.S.Rajinikanth

For RR 1 to 6 : Mr.A.N.Thambidurai
Addl. Public Prosecutor

ORDER

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

The above petition has been filed by the petitioner/husband of the detainee, to cause production of his wife, Devika, aged about 23 years, who is said to be in the illegal custody of the 7th respondent herein, before this Court and to set her at liberty.

2 It is the case of the petitioner that while he was undergoing his Engineering course in Madha Institute of Engineering and Technology, he fell in love with Devika, the detainee herein, who was also a student in the same college. According to the petitioner, he belongs to Dalit Christian Community and the detainee hails from a different community, on account of which, they got married in a Church by exchanging rings. The parents of the detainee, unwilling to accept the marriage, have taken his wife/the detainee herein and they are keeping her under their illegal detention.

3 This Court ordered notice to the respondents and today, the detainee Devika is produced before this Court from Dharma Children and Old Age Home, Aadaiyarpatty, Vallathirakottai [Post], Pudukkottai District, by Ms.V.Muthukannu, Sub-Inspector of Police, Karaiyur Police Station, Pudukkottai District.

4 On enquiry, the detainee Devika has stated that she is aged about 23 years and she had fallen in love with the petitioner herein when they were studying together in Madha Institute of Engineering and Technology and that her parents are not willing to get her married. She also stated that she was housed at the above Home at her own behest since she did not want to go along with her parents. It is her further submission that her marriage with the petitioner is not registered and that there is no certificate of registration of marriage.

5 The petitioner, on enquiry has stated that he had married the detainee Devika; but has not produced any satisfactory proof of having got married to her. Upon the direction of this Court today, the petitioner has filed an affidavit that he will not, in any manner, disturb the parents and relatives of the detainee Devika. The said affidavit forms part of the record.

6 Since the detainee Devika is a major, aged about 23 years, this Court cannot order custody of the detainee to the petitioner. However, since the detainee is of sound disposition of mind and taking note of her educational qualification [B.E. [Civil]] and worked in Chennai for about 2 years in Revathy Constructions, we are setting the detainee at liberty so that she could chalk out her life herself.

7 Since the detenue is produced from the above Home, where she has been housed at her own behest, we direct the respondent police to take her back to the above said Home so that she can be set at liberty after completing the discharge formalities.

8 With the above direction, the Habeas Corpus Petition is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

AP
To

- 1.The Director General of Police
Tamilnadu Police, Mylapore
Chennai-4.
- 2.The Commissioner of Police
The Greater Chennai, Veppery
Chennai-7.
- 3.The Superintendent of Police
Kancheepuram District.
- 4.The Superintendent of Police
Pudukottai District.
- 5.The Inspector of Police
Guduvancherry Police Station
Kancheepuram District.
- 6.The Inspector of police
Karaiyur Police Station
Pudukkottai District.
- 7.The Public Prosecutor
High Court, Chennai.

Copy to:-

- 1) The Warden/Care Taker
Dharma Children and Old Age Home,
Aadaiyarpatty, Vallathirakottai [Post],
Pudukkottai District.

- 2) Ms.V.Muthukannu,
The Sub Inspector of Police,
Karaiyur Police Station,
Pudukottai District.

+1 cc to Mr.S.Rajinikanth, Advocate, sr.62071

HCP.No.2753/2015

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