

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 19.11.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

AND

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

H.C.P.NO.2765 OF 2015

V.Thanigaivelan

.. Petitioner

- Vs -

1. The Superintendent of Police
Vellore, Vellore District.
2. The Sub Inspector of Police
All Women Police Station
Vaniyambadi Tk., Vellore District.
3. Muthappan
4. Nithya
5. Aravindhan
6. A.Subramani
7. P.M.Munivel

... Respondents

Petition filed for the issuance of a writ of habeas corpus directing the respondents to secure the detainee, M.Archana, aged about 26 years, wife of the petitioner produce her before this Court and set her at liberty.

For Petitioner : Mr. D.Jagadeesan

For Respondents : Mr. A.N.Thambidurai, APP for RR-1 & 2
Mr. T.P.Prabhakaran for RR-3 to 7

ORDER

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

This petition has been filed by the petitioner for a direction on the respondent police to secure the detainee, M.Archana, aged about 26 years, wife of the petitioner produce her before this Court and set her at liberty.

2. It is the case of the petitioner that he was in love with the detainee, Archana, whom he is said to have married on 27.11.2014 and the marriage has been registered with the Sub Registrar, Jolarpet. Whiles, it is alleged that the detainee, who had gone to her parents

house, has been illegally detained there. The petitioner has lodged a complaint on 2.3.2015 alleging that the detinue is illegally detained by her parents and the same was registered as C.S.R. No.38/2015. It is further alleged by the petitioner that the detinue has been given once again in marriage on 26.6.15, to the sixth respondent herein, which is illegal. Since the respondent police have not taken any earnest steps to secure the detinue, the present petition is filed by the petitioner.

3. Heard the learned counsel appearing for the petitioner, the learned Addl. Public Prosecutor appearing for respondents 1 and 2 and the learned counsel appearing for respondents 3 to 7.

4. Even as per the averments in the petition, it is evident that the detinue has been given in marriage on 26.6.2015. Further, learned Addl. Public Prosecutor appearing for the respondent police submitted that the detinue, Archana, is now married to one Subramani, the sixth respondent herein, on 26.6.15 and that she is leading a peaceful life. In the above circumstances, the detinue living with her husband, could in no way be termed as illegal detention. In such view of the matter, this Court finds that there is no case for issuance of a writ of habeas corpus.

5. Accordingly, this petition is closed with liberty to the petitioner to work out his remedy in a manner known to law.
GLN

Sd/-
Assistant Registrar (CCC)

/True Copy/

Sub-Assistant Registrar

To

1. The Superintendent of Police
Vellore, Vellore District.
2. The Sub Inspector of Police
All Women Police Station
Vaniyambadi Taluk, Vellore District.
3. The Public Prosecutor
High Court, Madras.

+1 C.C. To MR.T.P.Prabakaran, Advocate in SR.NO.63046

H.C.P.NO.2765 OF 2015

KJI (CO)

sd : 14/12/2015