

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2015

CORAM:

THE HONOURABLE DR. JUSTICE S.TAMILVANAN
and
THE HONOURABLE MR.JUSTICE C.T.SELVAM

H.C.P.No.762 OF 2015

Mark. Rajiv ... Petitioner/Husband of the detenue
vs.

1. The Inspector of Police,
Rayakottai Police Station,
Krishnagiri District.
Crime No. 115/2015

2. V.Gopalakrishnan ... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus petition directing the respondent to produce the body of the detenue Shruthikrishna, W/o.Mark.Rajiv aged about 23 years before this Court and set her at liberty.

For Petitioner ... M/s.Giridhar and Sai Associates

For 1st Respondent ... Mr.A.N.Thambidurai, APP

For 2nd respondent ... Mr.M.Velmurugan

ORDER

(Order of the Court was made by S.TAMILVANAN, J.)

This petition has been filed by the petitioner/husband of the detenue Shruthikrishna, aged about 23 years, to secure his wife, who is said to be missing from 14.03.2015 and to set her at liberty.

2. Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor appearing for the 1st respondent and the learned Counsel appearing for the 2nd respondent.

3. The alleged detenue Shruthikrishna, D/o.V.Gopalakrishnan, the 2nd respondent herein, is present along with her parents. The petitioner is also present.

4. When we enquired, the alleged detainee Shruthikrishna submitted that she is a major and a M.A. Graduate. She further submitted that she is not willing to go along with the petitioner who has filed this Habeas Corpus Petition stating him as her husband and according to her, there is no illegal detention by her father, the 2nd respondent herein.

5. However, the learned Counsel for the petitioner submits that there was a marriage solemnized between the petitioner and the alleged detainee and at the instigation of her parents, the detainee refused to come along with the petitioner/her husband.

6. We cannot go into depth in the matter because when the detainee herself stated that there is no illegal detention by her father and she wants to go along with her parents only, the Habeas Corpus Petition is not legally maintainable.

7. In the result, recording the said statement made by the detainee, the Habeas Corpus Petition is ordered to be closed. Anyhow, if need arises, it is open to the petitioner to approach the proper forum.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1. The Inspector of Police,
Rayakottai Police Station,
Krishnagiri District.

2. The Public Prosecutor
High Court, Madras.

सत्यमेव जयते

H.C.P.No.762/2015

ad(co)
kra(27/07)

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