



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2015

CORAM:

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU

and

THE HONOURABLE MR. JUSTICE V.S.RAVI

H.C.P. (MD) No.1408 of 2015

Murugan

... Petitioner

Vs.

State represented by

1.The Superintendent of Police,
Tirunelveli District, Tirunelveli.

2.The Inspector of Police,
Tirunelveli Taluk Police Station,
Palayamkottai, Tirunelveli.

3.Mukesh

4.Parvathi

5.David Raj

6.Mrs.Mariamammal

7.Mr.Sami

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 herein to produce the detainee namely Suvitha, D/o.Murugan, aged 18 years before this Court and set her at liberty.

For Petitioner

: Mr.S.M.A.Jinnah

For Respondents

: Mr.K.S.Duraipandian,

1 & 2

Addl. Public Prosecutor

For respondents 3 to 7

: No appearance

ORDER

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

The petitioner is the father of one Suvitha. Her date of birth is 03.10.1996. She was doing B.Com. 2nd year. According to the petitioner, the third respondent has managed to obtain a fraudulent marriage certificate as though there was marriage between him and Suvitha, as per the Christian Law. Now, according to him, she has been detained illegally by the third respondent. Therefore, he is before this Court with this Habeas Corpus Petition.

2. Today, when the matter was taken up for hearing, the second respondent produced Suvitha before this Court. The petitioner, his wife and other relatives were also present. On enquiry, Suvitha would submit that she married the third respondent herein - Mr.Mukesh. Now, she is living with him as his wife. She would further submit that she was not detained illegally by anybody. Mr.Mukesh would also say so. They would state that their marriage was celebrated as per the Christian Law by one Pastor.S.David Raj, Government Christian Marriage Registrar and Minister, Protestant Church, 3/179 - Moondradaippu, Tirunelveli - 627 152. Suvitha would further state that she is willing to go only with Mr.Mukesh.



3. At this juncture, the petitioner requested this Court to send the matter before the Mediation and Conciliation Centre, attached to this Bench. Accordingly, the matter was referred to Mediation and Conciliation Centre and the said Centre was directed to mediate the matter and submit a report at 3.15 p.m. today. At 3.15 p.m., when the matter was taken up, it is reported that the mediation failed. Since Suvitha is a major and there is no illegal detention, no further direction could be given in this matter as prayed for. Suvitha is at liberty to choose her own way of life.

4. We find from the records that Pastor.S.David Raj, Government Christian Marriage Registrar and Minister, Seventh-Day Adventist Church, 3/179 - Moondradaippu, Tirunelveli - 627 152, has solemnised the marriage between the third respondent and Suvitha, as per the Christian Laws. Though they tacitly admitted before this Court that they are only Hindus, it is not known as to how Pastor.S.David Raj has solemnised the marriage and registered the same in Sl.No.1610, dated 08.09.2015. It is brought to our notice by the learned counsel for the petitioner that in yet another case relating to one J.Anitha and S.Manikandan in Sl.No.1589, dated 27.06.2015, he has done so. Therefore, the second respondent is at liberty to take necessary legal action against him as per law.

5. With the above direction, this Habeas Corpus Petition is dismissed.

sd/-

Assistant Registrar(AS)

/True copy/

sub Assistant Registrar

gcg
To

1. The Superintendent of Police, Tirunelveli District, Tirunelveli.

2. The Inspector of Police,
Tirunelveli Taluk Police Station,
Palayamkottai, Tirunelveli.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+one cc to Mr.S.M.A.Jinnah, Advocate in SR.No.59025

H.C.P. (MD) No.1408 of 2015
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