

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2016

CORAM:

THE HON'BLE MR. JUSTICE R.SUDHAKAR
AND
THE HON'BLE MR. JUSTICE P.N. PRAKASH

H.C.P.No.3249 of 2015

J.Thavasiappan

Petitioner

vs.

1.Superintendent of Police
Erode, Erode District.

2.Deputy Superintendent of Police
Bhavani
Erode District.

3.The Inspector of Police
Bhavani Police Station
Bhavani
Erode District 638 301.

4.The Inspector of Police
Anthiyur Police Station
Anthiyur
Erode District 638 501.

5.N.Ashok Kumar

Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 to 4 to produce the detainee namely A.Anushya W/o J.Thavasiappan aged about 22 years, before this Court and set her at liberty by considering the petitioner's complaint dated 26.12.2015.

For Petitioner

Mr.R.Prabakar

For R1 to R4

Mr.M.Maharaja
Additional Public Prosecutor

ORDER

(Order of the Court was made by P.N.PRAKASH, J.)

This petition has been filed seeking a direction to the respondents 1 to 4 to produce the detainee namely A.Anushya W/o J.Thavasiappan aged about 22 years, before this Court and set her at liberty by considering the petitioner's complaint dated 26.12.2015.

2. It is the case of the petitioner that he married Anushya aged about 22 years on 13.11.2015 as per the Seerthirutha Form in Dravida Viduthalai Kalagam, Suyamariyathai Thirumana Nilayam, Erode and had the marriage registered with the Registrar of Marriages, Erode District as Marriage Sl.No.549/2015 and that Anushya is being kept under the illegal detention of her father, who is the fifth respondent herein.

3. On notice, the fifth respondent produced the detainee, Anushya before this Court. When enquired by us, the detainee stated that no marriage as alleged by the petitioner was solemnised and that her signatures were obtained by the petitioner and a Certificate has been obtained as if marriage has been performed. She has also filed HMOP No.11 of 2016 before the Family Court, Erode to declare the marriage as null and void and challenging the registration. She categorically told us that, she is living with her father on her volition and that she is not willing to go with the petitioner.

From the above, we find that there is no illegal detention of the said detainee by the fifth respondent, who is a major aged about 22 years warranting issuance of Writ of Habeas Corpus. Accordingly, this Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

gms

To

1.Superintendent of Police
Erode, Erode District.

2.Deputy Superintendent of Police
Bhavani
Erode District.

3.The Inspector of Police
Bhavani Police Station
Bhavani
Erode District 638 301.

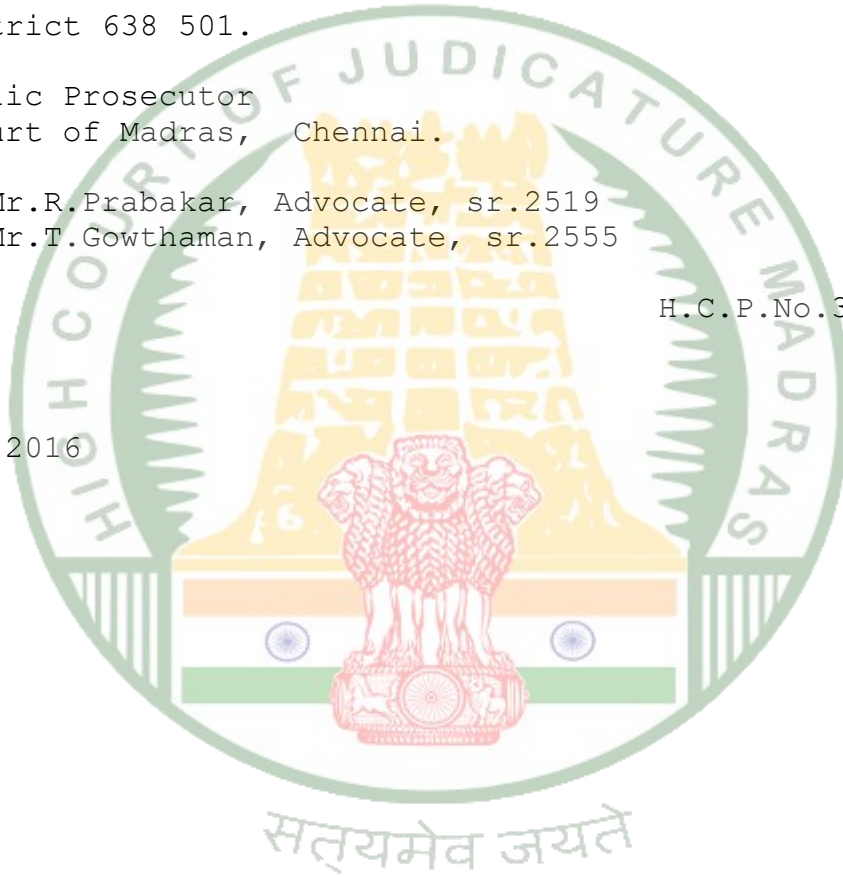
4.The Inspector of Police
Anthiyur Police Station
Anthiyur
Erode District 638 501.

5.The Public Prosecutor
High Court of Madras, Chennai.

+1 cc to Mr.R.Prabakar, Advocate, sr.2519
+1 cc to Mr.T.Gowthaman, Advocate, sr.2555

H.C.P.No.3249 of 2015

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