

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

H.C.P.No.1073 of 2016

C.Subramani

.. Petitioner

Vs.

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

2. The Inspector of Police,
Chennimalai Police Station,
Erode District.

3. M.Kandasamy

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus to direct the respondents to produce the body of the detainee, i.e. petitioner's wife, namely K.Mownika, daughter of Kandasamy, Door No.74, Ellakumarapalayam, Ellaigramam, Perundurai-638 051, Perundurai Taluk, Erode District, before this Court and set her at liberty.

For petitioner : Mr.M.Guruprasad

For respondents : Mr.A.N.Thambidurai,
Addl.P.P. for RR-1 & 2
Mr.A.Gokulakrishnan for R-3

ORDER

(The Order of the Court was made by R.Subbiah,J)

This petition is filed praying for issuance of a Writ of Habeas Corpus to direct the respondents to produce the body of the detainee, i.e. petitioner's wife, namely K.Mownika, daughter of Kandasamy, residing in Door No.74, Ellakumarapalayam, Ellaigramam, Perundurai-638 051, Perundurai Taluk, Erode District, before this Court and set her at liberty.

2. It is the case of the petitioner that he is working as Accountant in N.S.N. Oil Store in Coimbatore. Himself and K.Mownika (detenue) who is the daughter of the third respondent herein, developed affection with each other for three years and they belong to the same community and village. The detenue was doing her Under-Graduation course in B.Com at P.S.G. Krishnammal College, Coimbatore. The detenue on her own volition, married the petitioner on 20.01.2016 in Namakkal, and the marriage between them was also registered. Subsequently, she stayed in the hostel of the college. While so, on 10.05.2016, the third respondent-father of the detenue, took the petitioner's wife (detenue) forcibly and she was not allowed to meet the petitioner. Hence, he has filed this petition.

3. The third respondent-father has filed counter affidavit disputing the case of the petitioner.

4. When the petition is taken up for hearing today, the detenue-Mownika is produced before this Court. She is aged about 21 years. When we enquired her, she has expressed her willingness to go along with her parents (third respondent-father). The third respondent-father is also present before this Court. Since the detenue being major and not under illegal detention under anybody, this Court has no other option except to allow her to take her own decision. Hence, while setting her at liberty, this Court permits the detenue to go as per her wish, along with her parents, i.e. the third respondent-father. No further deliberations in that regard is warranted in this case. With these observations, the Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar(CS VII)

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सत्यमेव जयते

Sub Assistant Registrar

cs

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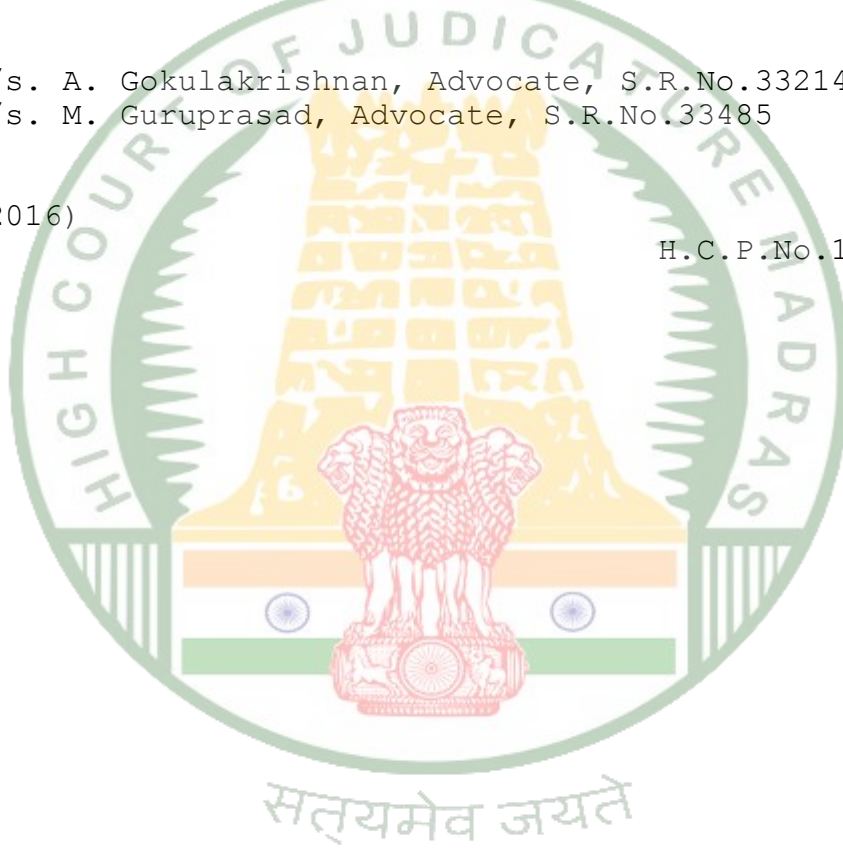
Copy to

1. The Superintendent of Police,
Erode District, Erode.
2. The Inspector of Police,
Chennimalai Police Station,
Erode District.
3. The Public Prosecutor, High Court, Madras.

+1cc to M/s. A. Gokulakrishnan, Advocate, S.R.No.33214
+1cc to M/s. M. Guruprasad, Advocate, S.R.No.33485

MP(CO)
EU(29/06/2016)

H.C.P.No.1073 of 2016



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