

SIN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2016

CORAM

THE HON'BLE MR.JUSTICE S.NAGAMUTHU
and
THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

H.C.P.No.1226/2016

R.Prasad .. Petitioner

Vs

1. The Superintendent of Police,
Office of the Superintendent of Police,
Nagapattinam District.

2. The Inspector of Police,
Velipalayam Police Station,
Nagapattinam District.

3. Deepan .. 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 to produce the body of the petitioner's brother Magesh @ Marimuthu, son of Rajendran, aged about 32 years, who is in the illegal custody of the 3rd respondent herein before this Court and set him at liberty.

For Petitioner : Ms.Greetha Senthilkumar
For Respondents : Mr.V.M.R.Rajentren,
1 and 2 Addl Public Prosecutor

For 3rd respondent : Mr.J.Antony Jesus

ORDER

[Order of the Court was made by S.NAGAMUTHU,J]

The petitioner is the brother of one Magesh @ Marimuthu, son of Rajendran, aged about 32 years. According to the petitioner, he has been all along detained illegally from 02.06.2016 onwards by the 3rd respondent. Hence, he has filed this Habeas Corpus Petition before this Court.

2. Today, when the Habeas Corpus Petition was taken up for hearing, the detenu was produced by the 2nd respondent.

3. The 3rd respondent is also present along with his sister Mahalakshmi.

4. When we enquired the detenu, he told that earlier, he had fallen in love with Mahalakshmi, but later on, he felt as lost. He further told that some other girl has been engaged for him for marriage. He, however, stated that he went to the house of Mahalakshmi to inform that a marriage has been arranged for him with some other girl and requested her not to disturb the same. He further submitted that at that time, the family members of Mahalakshmi detained him illegally, arranged for a forced marriage and that marriage was also registered later on. Thereafter, he was not allowed to come out from the house of Mahalakshmi and he was detained.

5. Mahalakshmi told the Court that it is true that previously, they had fallen in love for some time and during that time, the detenu had sexual intercourse with her. According to her, the marriage was celebrated out of free will of both bride and bridegroom and after the marriage, they lived together as husband and wife. She also stated that because of the caste considerations, she is now neglected by him. She wants to live with him.

6. We gave enough time for them to speak to themselves and to sort out the issues. Even after that, when they made appearance before this Court, the detenu sticks on to the stand and says that he wants to go to his parental home and he does not want to live with Mahalakshmi. The said statement is recorded.

7. Since the detenu is aged about 32 years, in the habeas Corpus jurisdiction, we find it difficult to resolve the issues between them. It is for Mahalakshmi to work out her remedy in the manner known to law.

8. Accordingly, the Habeas Corpus Petition is disposed of, setting the detenu at liberty.

tsi

s/d-
Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Nagapattinam District.

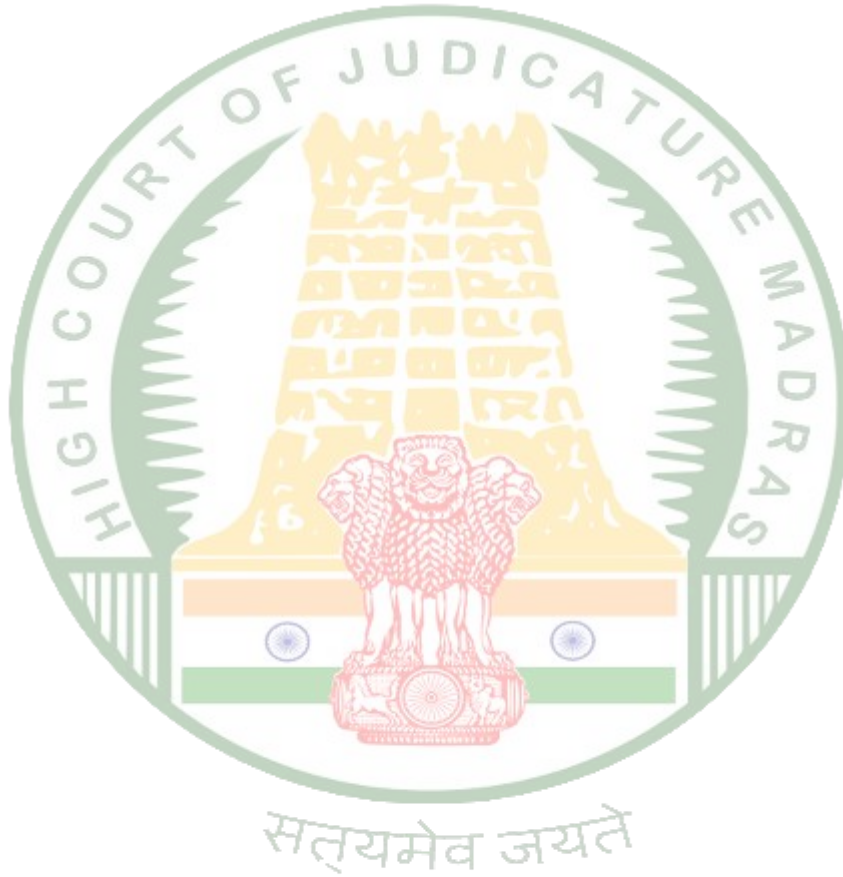
2. The Inspector of Police,
Velipalayam Police Station,
Nagapattinam District.

3.The Public Prosecutor,
High Court, Madras.

+ 1 cc to M/s.Geetha Senthil Kumar, Advocate SR 34681

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H.C.P.No.1226/2016



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