

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.8.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

and

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

H.C.P.No.1648 of 2016

N.Dinesh Kumar .. Petitioner

vs.

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

2. The Inspector of Police,
Aattayampatti Police Station,
Salem District.

3. Mr.Moorthy ... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the 1st and 2nd respondents to secure the petitioner's wife, namely, Nandhini aged about 21 years from the custody of the 3rd respondent and produce her before this Court and set her at liberty.

For Petitioner .. Mr.K.Thilageswaran
For R1 & R2 .. Mr.V.M.R.Rajentren, APP
For R3 .. Mr. Vijayakumar

ORDER

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

The petitioner claims to be the husband of one Nandhini, aged 21 years. The petitioner further claims that he is a B.Com graduate. Miss. Nandhini is a B.E graduate. He further stated that he married out of love affair on 18.03.2016. After the marriage, they went to the Superintendent of Police, Erode District seeking for protection also. Now, according to the

petitioner from 13.4.2016 onwards, Miss. Nandhini is illegally detained by her father. With these allegations, he has come up with this Habeas Corpus Petition.

2. We have heard the learned counsel for the petitioner, learned Additional Public Prosecutor appearing for the state and the learned counsel appearing for the 3rd respondent.

3. The petitioner and the 3rd respondent have made appearance today.

4. The detainee was produced by the 2nd respondent before this Court. When we enquired her, she disputed the validity of the alleged marriage stated to have been taken place between them. She submitted that she was abducted by the petitioner and his associates, kept illegally and she was taken to Superintendent of Police under threat to make a false statement. She further submitted that she has been all along living only with 3rd respondent and now, she wants to go back only with the 3rd respondent to live with her family members.

5. The learned counsel for the petitioner would submit that the marriage was true.

6. We do not want to enter into the said issue as to whether there was any marriage at all, even assuming that there was a marriage, whether it is valid or not. These are issues to be gone into only by a competent civil court. In this Habeas Corpus Petition, we are concerned only with the safety of the detainee. As we have already pointed out, the detainee has informed this Court that she has been all along living with her father and she wants to go back only with her father.

7. In view of the same, we are unable to grant any relief to the petitioner.

This petition is therefore, dismissed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

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

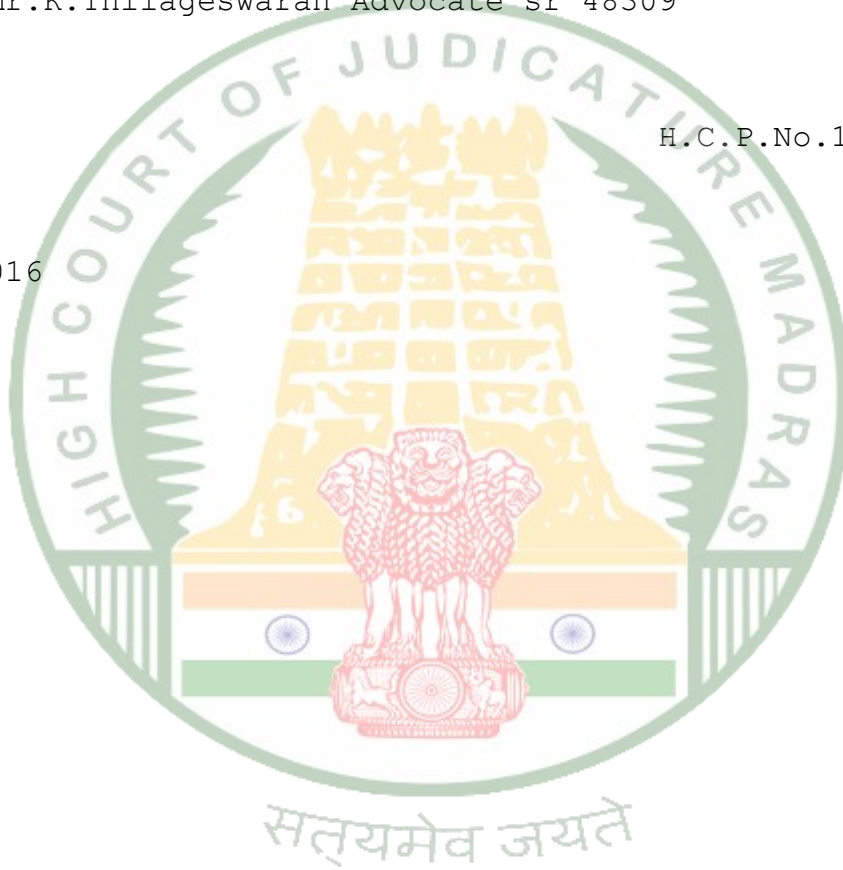
2. The Inspector of Police,
Aattayampatti Police Station,
Salem District.

3. The Public Prosecutor, High Court, Madras.

+1 cc to Mr.K.Thilageswaran Advocate sr 48309

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