

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2016

CORAM

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

H.C.P.No.1619 of 2016

P.Siva .. Petitioner
vs.

1.State rep. By
Inspector of Police,
Periyanaickenpalayam Police Station,
Coimbatore District.

2.S.N.Palanisamy
3.P.Sarada Devi Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the first respondent herein to produce the body of the detenu of the petitioner's wife by name P.Susidhra aged about 20 years from the illegal custody of the respondents 2 & 3 before this Court and set her at liberty.

For Petitioner ... Mr.S.Sugendran

For R.1 ... Mr.V.M.R.Rajentren,
Additional Public Prosecutor

For RR.2 & 3 ... Mr.B.R.Sankaralingam

O R D E R

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

The petitioner claims to be the husband of one Ms.P.Susidhra, aged 20 years. According to him, the marriage between him and the detenu took place on 09.05.2016. He further submitted that even on 06.05.2016, the detenu was 7 ½ months pregnant and under the guise of celebrating "Valaikappu", the respondents 2 & 3 who are the parents of the detenu took

her to their house and thereafter, they have been detaining her illegally.

2. When this Habeas Corpus Petition came up for hearing on 19.08.2016, the detinue and the respondents 2 & 3 were present before this Court. Neither the petitioner nor his counsel represented before this Court. One Mr. Karthik, a learned junior counsel, represented the petitioner. When we enquired, the detinue told us that there was no marriage and she was not pregnant at all. Since, the allegations made by the detinue were so serious, we directed the petitioner and the respondents 2 & 3 to appear before this Court on 23.08.2016 (today). In order to ascertain the truth, we also directed the Additional Deputy Superintendent of Police to appear before this Court on 23.08.2016.

3. Accordingly, the petitioner, detinue, respondents 2 & 3 and the Additional Deputy Superintendent of Police, Coimbatore Rural, have made appearance before this Court, today. When we enquired the petitioner, he told us that even before marriage, he had sexual intercourse with the detinue and thus, she became pregnant. Thereafter, according to him, the marriage was celebrated on 09.05.2016. He reiterated the other allegations found in the affidavit.

4. We enquired the detinue. She told that on 19.08.2016, she made incorrect statement before this Court, as she was in a disturbed mind. She told us that initially, the petitioner was her friend and under that guise, he received her educational qualification certificates. By keeping them, he intimidated her and against her wish, he had sexual intercourse with her. He threatened her that he would put the photographs of her in the internet and bring shame to her and to her family. Thus, under the constant threat, repeatedly, he exploited her sexually on many occasions.

5. According to the detinue, the petitioner keeping the photographs in his hands intimidated her, threatened her and forced her to come with him to have sex. It happened according to her at least for 10 to 15 occasions. As a result, according to her, she became pregnant. She would further state that she suffered abortion thereafter. By playing fraud, according to her, the petitioner obtained her signature, as though there was marriage. Thus, she has disputed the marriage. She further told

us in open Court that now, she wants to go back to her parental home and she wants to live only with her parents.

6.Mr.B.R.Sankaralingam, learned counsel appearing for the respondents 2 & 3, submitted that the respondents 2 & 3 will keep the detainee safely. The detainee is aged 21 years. She has completed B.com degree. She wants to study further. She would further submit that her certificates are in the possession of the petitioner. She wants the certificates to be returned to her. When we enquire the petitioner, he states that he is not in possession of the certificates of the detainee.

7.In view of the above statements made by the parties before this Court, more particularly, the statements of the detainee, we find that there is no illegal detention and since, she wants to go back to her parental home and to live with her parents, we set her free to chose her own way of life. We are unable to grant the relief as prayed for in the Habeas Corpus Petition.

8.In the result, the Habeas Corpus Petition is dismissed leaving it open for the detainee to chose her own way of life. At the same time, we direct the Additional Deputy Superintendent of Police, Coimbatore Rural, to ensure the safety of the petitioner and also the detainee and the respective family members.

Sd/-
Assistant Registrar(CCC)

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सत्यमेव जयते
Sub Assistant Registrar

To

1.The Additional Deputy Superintendent of Police,
Coimbatore (Rural),
Coimbatore.

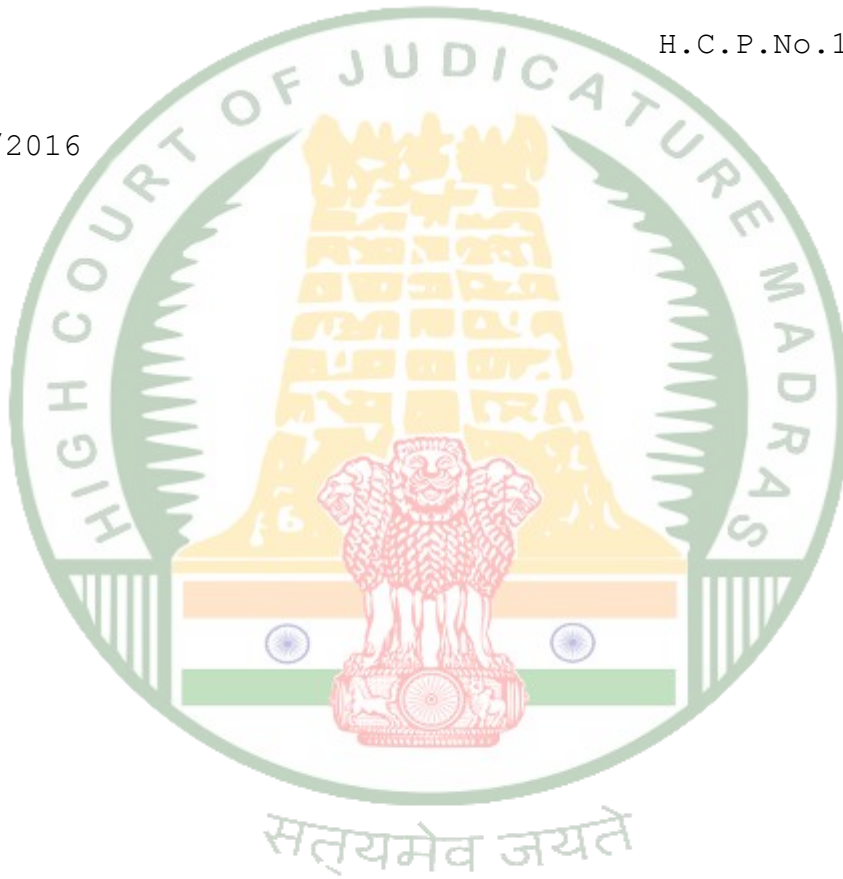
2.Inspector of Police,
Periyanaickenpalayam Police Station,
Coimbatore District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B.R.Shankaralingam, Advocate Sr.47862

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