

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2016

CORAM:

The HON'BLE MR. JUSTICE M.JAICHANDREN
and
The HON'BLE MR.JUSTICE S.BASKARAN

H.C.P.No.2098 of 2016

S.Anburaj .. Petitioner/Husband of the Detenu
Vs.

- 1.The Inspector of Police,
Uthukuli Police Station,
Tiruppur District.
- 2.The Inspector of Police,
All Women Police Station,
Kangayam, Tiruppur District.
- 3.Duraisamy
- 4.Amuthaveni
- 5.The Superintendent of Police,
Tiruppur District,
Tiruppur.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Habeas Corpus, directing the respondents to produce the corpus of the petitioner's wife, namely, D.Manjuladevi, aged 18 years, before this Court and set her at liberty forthwith.

For petitioner : Mr.D.Veerasekaan

For respondents : Mr.V.M.R.Rajentren, APP
for RR1,2 and 5

ORDER

(Order of the Court was made by M.JAICHANDREN, J.)

Heard the learned counsel appearing on behalf of the petitioner, as well as the learned Additional Public Prosecutor, appearing on behalf of the respondents 1,2 and 5.

2 This Habeas Corpus Petition has been filed by the petitioner, praying that this court may be pleased to issue a Writ of Habeas Corpus, directing the respondents to produce the petitioner's wife, namely, D.Manjuladevi, aged about 18 years, before this Court and to set her at liberty, forthwith.

3 The petitioner had stated that he had married the detenue, namely, D.Manjuladevi, whose date of birth is 16.1.1998, as per the birth certificate issued by the Tiruppur Municipality. The marriage is said to have been solemnized, in the Eswaran Koil temple, Punjai Puliyampatti, Erode District, on 24.8.2016. The parents of the detenu had lodged a compliant, before the second respondent, on 25.8.2016, as she had gone missing. The petitioner had further stated that the detenue had gone to her parents house to pacify them. But, she was kept under illegal custody. Therefore, the petitioner had lodged a complaint before the first respondent, on 30.8.2016, about her illegal custody. Since the respondent police had not taken sufficient steps to trace the detenue, the petitioner has preferred the present Habeas Corpus Petition, before this Court.

4 When the Habeas Corpus Petition has come up for hearing, the detenue, namely, D.Manjuladevi and her mother, Amuthaveni, the fourth respondent herein, are present before this Court. On enquiry, the detenue has stated that the petitioner had forced her to marry him and that she does not intend to go along with the petitioner. She had further stated that she would like to go along with the fourth respondent, who is her mother.

5 In view of the submissions made by the learned counsels appearing on behalf of the parties concerned and in view of the submission made by the detenue, this Court finds it appropriate to permit the detenue, namely, D.Manjuladevi, to go along with her mother, the fourth respondent herein, as per her wish. Accordingly, the detenue is permitted to go along with her mother, namely, Amuthaveni, the fourth respondent herein.

6 In such circumstances, this Court is of the view that the Habeas Corpus Petition is liable to be dismissed. Hence, it is dismissed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

vvk

To

1.The Inspector of Police,
Uthukuli Police Station,
Tiruppur District.

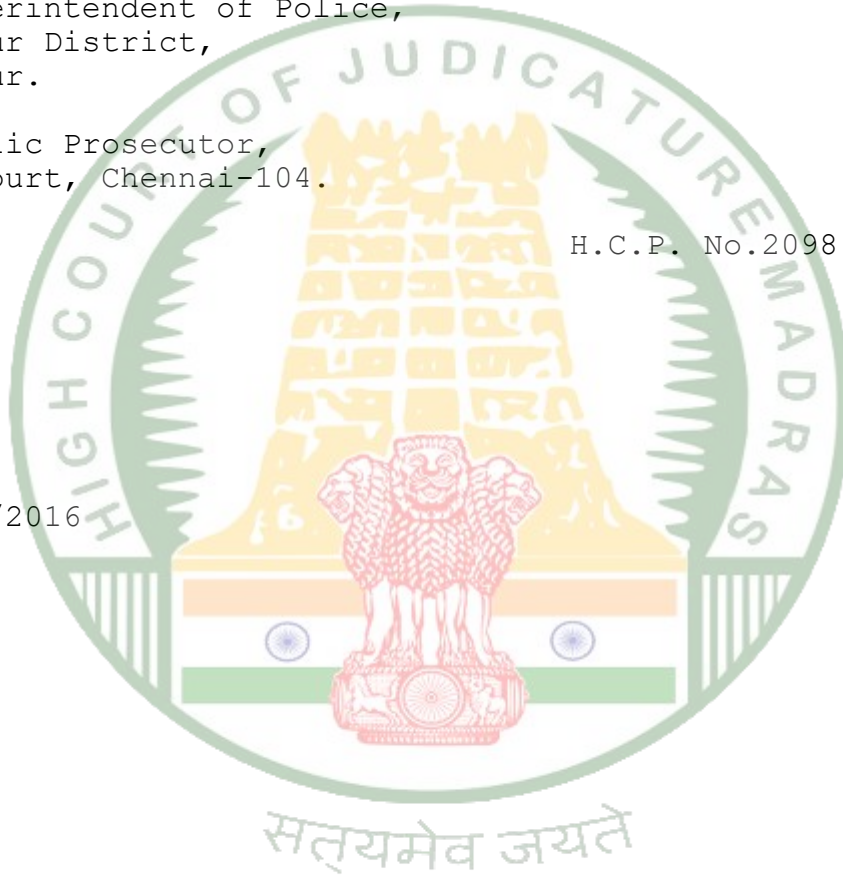
2.The Inspector of Police,
All Women Police Station,
Kangayam,
Tiruppur District.

3.The Superintendent of Police,
Tiruppur District,
Tiruppur.

4.The Public Prosecutor,
High court, Chennai-104.

H.C.P. No.2098 of 2016

PVS (CO)
RVR 12/11/2016



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