

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
AND
THE HONOURABLE MR.JUSTICE S.BASKARAN

H.C.P.NO.2373 OF 2016

D.Arikrishnan

Petitioner

Vs.

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

2.The Inspector of Police
Elavarasanor Kottai Police Station
Ulundurpet Taluk,
Villupuram District.

3.B.Thirumalai
4.T.Minnalkodi
5.M.Thanigachalam

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS, to direct the respondents herein to produce the detainee T.Brinda, age 19 years wife of Arikrishnan before this Court and set them free, who is illegally detained by the respondents 3 to 5.

For Petitioner : Mr.S.Udayakumar
For Respondents : Mr.V.M.R.Rajentren
1 & 2 : Additional Public Prosecutor

O R D E R

[ORDER OF THE COURT WAS MADE BY S.BASKARAN, J.]

This Habeas Corpus Petition has been filed by the petitioner seeking for a direction to the respondents to produce the detainee T.Brinda, aged 19 years, wife of Arikrishnan, before this Court and set her free, who is illegally detained by the respondents 3 to 5.

2. When the matter is taken up for hearing today, the detainee is produced before this Court by the second respondent Police. The learned counsel for the petitioner is also present.

3. We have heard the submissions made by the learned counsel appearing on behalf of the petitioner and the learned Additional Public Prosecutor appearing for the State and we have also perused the records carefully.

4. According to the petitioner, he married the detainee and he left the Country to work in a Foreign nation. While so, during his absence, the detainee left the matrimonial home on her own without informing anyone. Hence, the petitioner has come forward with this petition seeking to secure his wife, who is the detainee.

5. On enquiry, the detainee admits the marriage with the petitioner. However, she expressed her unwillingness to go along with the petitioner, since she claims that her in-laws as well as her husband tortured her. She further states that she is a major and now living with her aunt at Kallakurichi.

6. In such circumstances, taking into consideration that the detainee is a major and expressed her desire to go along with her aunt, the detainee is permitted to go along with her aunt, as per her wish.

7. We are therefore of the view that no further order is necessary in this petition. However, as the detainee expressed apprehension over the safety on her, the second respondent police is directed to give her protection, if necessary, on request made by her in writing.

8. The Habeas Corpus petition is closed with the above observation.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

TK

To

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

2.The Inspector of Police
Elavarasanor Kottai Police Station
Ulundurpet Taluk,
Villupuram District.

3.The Public Prosecutor
High Court of Madras.

+1 cc to M/s.S.Udayakumar Advocate sr 67569

H.C.P.NO.2373 OF 2016

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