

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2016

CORAM

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

H.C.P.No.2404 of 2016

B.Krishnaveni

Petitioner

Vs

- 1.The Superintendent of Police,
O/o Superintendent of Police,
Cuddalore District,
Cuddalore.
- 2.The Superintendent of Police,
O/o Superintendent of Police,
Coimbatore District,
Coimbatore.
- 3.The Inspector of Police,
Vridachalam Police Station,
Vridachalam,
Cuddalore District.
- 4.C.Azhagu
- 5.A.Karpagavalli
- 6.C.Nallaiya
- 7.A.Dinakaran
- 8.Velacherry Chinnaiya

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the third respondent to produce the petitioner's husband, namely Dr.A.Boopathi Murugesh, son of Azhagu, aged about 27 years, residing at Ulakampatti Village, Sivagangai District, from the illegal custody of the respondents 4 to 8, before this court and to set him at liberty.

For Petitioner : Mr.S.Kumara Devan

For Respondents : Mr.V.M.R.Rajentren
Additional Public Prosecutor
for RR1 to 3
Mr.P.Sidharthan for RR4 and 5

ORDER

[Order of the Court was made by S.BASKARAN, 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 to 3 and Mr.P.Sidharthan, the learned counsel appearing on behalf of the respondents 4 and 5.

2 This Habeas Corpus Petition has been filed by the petitioner, seeking direction to the third respondent to produce the petitioner's husband Dr.A.Boopathi Murugesh, who is in illegal custody of the respondents 4 to 8, before this Court and to set him at liberty.

3 The petitioner, claiming herself to be the wife of the detenu Dr.Boopathi Murugesh, states that they got married on 20.7.2016 and the same was registered in the Sub Registrar Office, Chokkikulam, Madurai, on 21.7.2016. According to the petitioner, her husband was abducted by the fourth respondent and his men. She had lodged a complaint, on 17.10.2016, with the third respondent police. As no effective steps were taken to secure the detenu, she has come forward with this petition.

4 When the matter was taken up today, the detenu was present before this Court. The respondents 4 and 5, who are the parents of the detenu, were also present. On enquiry, the detenu has stated that he was kept in custody by the petitioner for three months and that his signature was taken in papers, forcibly. The detenu disputes the claim of the petitioner about the marriage between them. He further expressed his desire to go along with his parents, namely, the respondents 4 and 5 herein, who are present before this court.

5 Considering the submissions made by the learned counsel appearing on behalf of the petitioner and considering the submission made by the detenu, it is noted that admittedly, the detenu is a Doctor, practicing at Palakurichi and is running a private clinic there. In such circumstances, as the detenu is admittedly a major and has expressed his unwillingness to go and live with the petitioner, the relief sought by the petitioner, cannot be granted. The detenu expressed his desire to go with his parents. Accordingly, the detenu is permitted to go with his parents, as per his own wish. In view of the above, no further orders are necessary in the present petition. It goes without saying that it is open to the petitioner to work out her remedy, in an appropriate forum, in the manner known to law, if so

advised. Accordingly, the Habeas Corpus Petition stands dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vvk

To

- 1.The Superintendent of Police,
O/o Superintendent of Police,
Cuddalore District,
Cuddalore.
- 2.The Superintendent of Police,
O/o Superintendent of Police,
Coimbatore District,
Coimbatore.
- 3.The Inspector of Police,
Vridachalam Police Station,
Vridachalam,
Cuddalore District.
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S. Kumaradevan, Advocate, S.R.No.68273
+3cc to Mr.P. Sidharthan, Advocate, S.R.No.68186

rp(CO)
md(19/12/2016)

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