

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN  
and  
THE HONOURABLE MR. JUSTICE S. NAGAMUTHU

H.C.P.No.282 of 2016

S.Bharathi

... Petitioner

vs.

1.The Inspector of Police,  
Vadalur Police Station,  
Vadalur, Cuddalore District.

2.T.Sounderajan

... Respondents

Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Habeas Corpus directing the respondents herein to produce the body and person of the petitioner's wife S.Sathya from the illegal custody of the 2nd respondent before this Court and set her at liberty.

For Petitioner : Mr.D.Veerasekaran for  
Mr.A.Mohamed Ismail

For Respondents: Mr.V.M.R.Rajendren,  
Addl. Public Prosecutor  
for R1  
Mr.G.Pugazhenthil for R2

सत्यमेव जयते  
O R D E R

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

This habeas corpus petition has been filed praying that this Court may be pleased to direct the first respondent to produce the detainee, Mrs.S.Sathya, the wife of the petitioner, before this Court and to set her at liberty.

2. The petitioner has stated that he had married the detainee, the daughter of the second respondent, on 1.12.2014, at Periyar Kalapu Thirumanam Social Welfare Association, Pudupalayam. The said marriage was duly registered before the Registrar of Marriages, Cuddalore Joint-1, on 1.12.2014.

Thereafter, they had been living together, as husband and wife. While so, the second respondent had come to meet the detinue, on 06.02.2016, along with a few other persons. They had forcibly taken away the detinue, after threatening the petitioner with dire consequences. In such circumstances, the petitioner had preferred a complaint before the first respondent, on 7.2.2016. Since no effective steps had been taken, by the first respondent, to secure the detinue, from the illegal custody of the second respondent, the petitioner has preferred the present habeas corpus petition before this Court.

3. Today, when the matter was listed for hearing, the first respondent police had produced the detinue before this Court. The parents of the detinue were also present. On enquiry, the detinue had stated that she had married the petitioner and the said marriage had also been registered. She had also stated that she would like to go along with the petitioner. The parents of the detinue had stated that since their daughter and the petitioner are cousins, the marriage between them cannot be accepted, as it is a prohibited relationship.

4. In such circumstances, this Court had found it fit to place the matter before the Mediation and Conciliation Center, High Court of Madras, to attempt an amicable settlement amongst the parties concerned. The Tamil Nadu Mediation and Conciliation Centre has sent a report to this Court, dated 15.03.2016, stating that the Mediation had failed.

5. In view of the fact that the detinue is a major and as she had expressed her willingness to go along with the petitioner, we find that no further orders are necessary in the present habeas corpus petition. In such circumstances, the habeas corpus petition stands closed. The detinue is at liberty, to go along with the petitioner, as per her wish. It is also made clear that the first respondent police shall provide necessary police protection, if such protection is sought by the petitioner or the detinue.

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Sd/-  
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

1.1.The Inspector of Police,  
Vadalur Police Station,  
Vadalur, Cuddalore District.

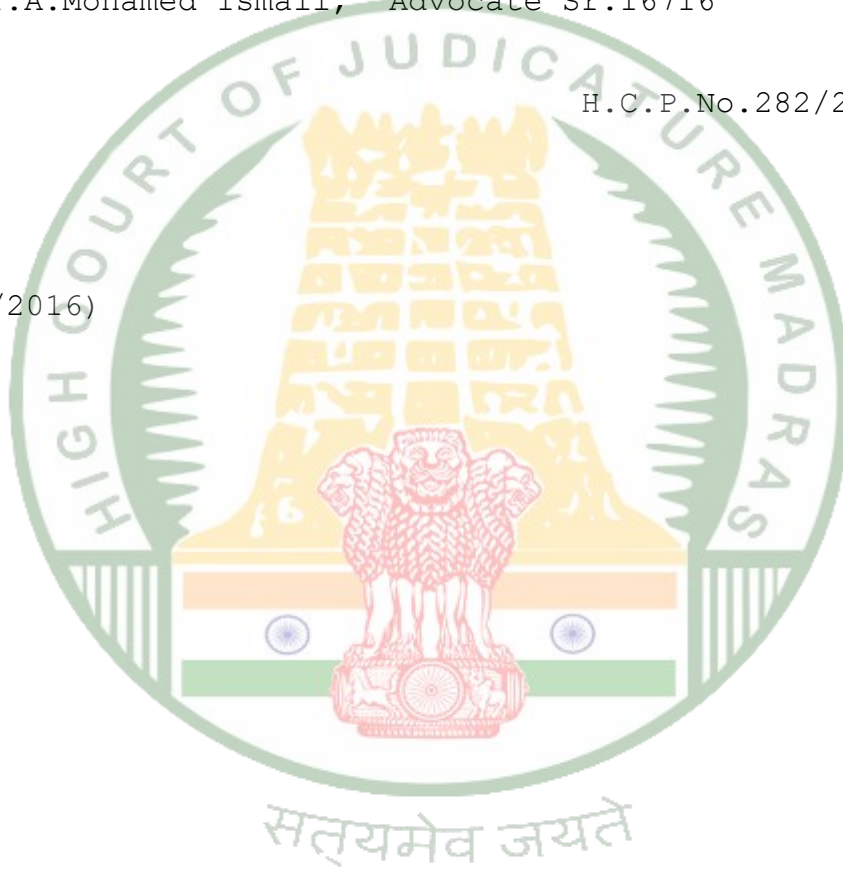
2.The Additional Public Prosecutor  
High Court, Madras.

+lcc to Mr.G.Pugazhenth, Advocate Sr.16802

+lcc to Mr.A.Mohamed Ismail, Advocate Sr.16716

H.C.P.No.282/2016

vsn(CO)  
srg(11/04/2016)



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