

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2016

CORAM

THE HONOURABLE MR. JUSTICE M. JAICHANDREN
AND

THE HONOURABLE MR. JUSTICE S. NAGAMUTHU

H.C.P. No. 321 of 2016

M. Murugaiyan ... Petitioner/Husband
of the Detenue

Vs.

1. The Superintendent of Police,
Nagapattinam,
Nagapattinam District.

2. The Inspector of Police,
Thiruvengadu Police Station,
Nagapattinam District.

3. The Sub Inspector of Police,
Thiruvengadu Police Station,
Nagapattinam District.

4. Prabakaran

5. Mrs. Sarumathi ... Respondents

Prayer: Petition under Article 226 of the Constitution of India
praying for issue of a Writ of Habeas Corpus to direct
respondents 1 to 3 to produce Mrs.Preethi, aged 20 years, wife
of the petitioner, before this Honourable Court and set her at
liberty now, illegally detained by respondents 4 and 5.

For Petitioner : Mr.S.T. Varadarajulu

For Respondents : Mr.V.M.R. Rajendran,
Additional Public Prosecutor

O R D E R
(Order of the Court was made by M. JAICHANDREN,J.)

This Habeas Corpus Petition has been filed by the husband of the detinue praying that this Court may be pleased to direct respondents 1 to 3 to produce his wife, Mrs. Preethi, aged about 20 years, and set her at liberty.

2. The petitioner had stated that he had married the detinue on 12.02.2016, and the said marriage was registered before the Sub Registrar's Office - Joint II, Cuddalore, as per the provisions of Tamil Nadu Registration of Marriages Act, 2009. After the said marriage, the petitioner and the detinue were living together. While so, the parents of the detinue had given a complaint to the Thiruvengadu Police Station. Based on the said complaint, the 2nd respondent had called the petitioner for an enquiry, on 15.02.2016. It was agreed by the respondents 4 and 5, who are the parents of the detinue, that they would give their daughter in marriage to the petitioner, by way of a formal marriage ceremony. However, the said promise has not been fulfilled. Hence, the petitioner has been compelled to file this Habeas Corpus Petition before this Court.

3. At this stage of the hearing of the Habeas Corpus Petition, the learned Additional Public Prosecutor appearing on behalf of respondents 1 to 3 had submitted that the detinue is living with her parents/ respondents 4 and 5 herein. The detinue has not been kept in illegal custody by the said respondents. He had further submitted that the petitioner can seek his remedy, if any, before the appropriate forum, in the manner known to law.

4. In view of the submissions made by the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing on behalf of respondents 1 to 3, we are of the considered view that the relief prayed for, by the petitioner, in the present Habeas Corpus Petition, cannot be granted, at this stage. It is open to the petitioner to seek his remedy, for restitution of conjugal rights, before the appropriate forum, if so advised, in the manner known to law.

5. In such view of the matter, the Habeas Corpus Petition is dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

nv

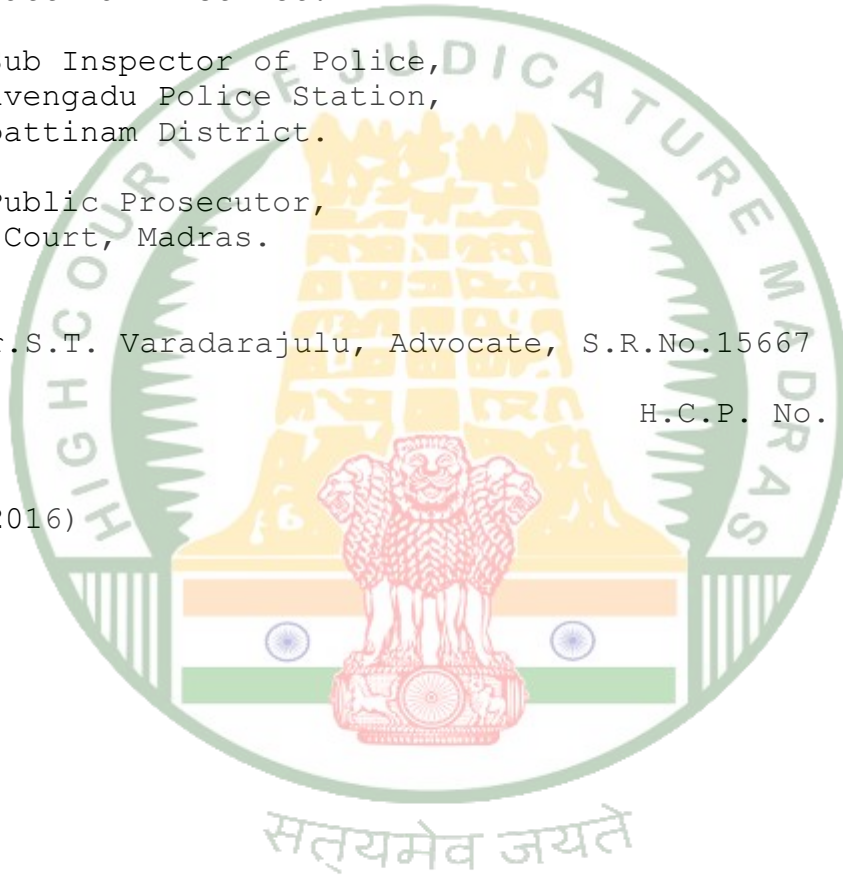
To

1. The Superintendent of Police,
Nagapattinam,
Nagapattinam District.
2. The Inspector of Police,
Thiruvengadu Police Station,
Nagapattinam District.
3. The Sub Inspector of Police,
Thiruvengadu Police Station,
Nagapattinam District.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.T. Varadarajulu, Advocate, S.R.No.15667

H.C.P. No. 321 of 2016

VGI (CO)
CA(01/04/2016)



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