

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2016

CORAM

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

H.C.P. No. 329 of 2016

G. Sathishkumar

..Petitioner

Vs.

1. The Commissioner of Police,
O/o. Commissioner of Police,
Vepery, Chennai - 600 007.
2. The Inspector of Police,
H-1, Vannarapet Police Station,
Chennai.
3. Mr. Palanikumar
4. Mr.S. Ravi

(R3 & R4 are impleaded as per the order
of this Court dated 08.03.2016 made in
Crl.M.P. No. 2470/2016 in H.C.P. No.
329/2016 by MJJ & SNJ)

..Respondents

Prayer: Petition under Article 226 of the Constitution of India
praying for the issue of a Writ of Habeas Corpus to the
respondents/Police for the production of the body or person,
namely, Nandhini, aged about 21 years, wife of the petitioner
herein, before this Hon'ble Court, set her at liberty forthwith.

For Petitioner :: Mr.M. Shreedhar

For Respondents:: Mr.V.M.R. Rajentren
Addl. Public Prosecutor
for R1 & R2

Mr.S. Senthilvel for
R3 & R4

O R D E R

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

This Habeas Corpus Petition has been filed by the petitioner, stating that he is the husband of the detenue and he prays for a direction to respondents 1 and 2 to produce the detenue, namely, Nandhini , aged about 21 years, before this Court and to set her at liberty.

2. The petitioner had stated that he was in love with the detenue, for over 8 years. The detenue is a graduate and she was residing near his house. Having known about the relationship that the petitioner was having, with the detenue, the parents of the detenue had attempted to arrange the marriage of the detenue with another person. The detenue had been confined, by her parents, in illegal custody and she had not been allowed to meet the petitioner. In fact, the detenue had called the petitioner, on 11.02.2016, asking him to take her away from her parents. The petitioner had further stated that he had made preparations to register his marriage, with the detenue, on 12.02.2016, before the Sub Registrar, Royapuram. However, the said attempt had been foiled by respondents 3 and 4 and their henchmen. In such circumstances, the petitioner has preferred the present Habeas Corpus Petition before this Court.

3. The learned counsel appearing on behalf of respondents 3 and 4, who are the father and the uncle of the detenue, has disputed the allegations made by the petitioner, in his affidavit, filed in support of the Habeas Corpus Petition.

4. Pursuant to the order passed by this Court, on 08.03.2016, an affidavit, dated 21.03.2016, has been filed by the detenue, denying the claims made by the petitioner. Paragraph Nos. 4 to 10 of the said affidavit are extracted hereunder:

"...4. I am submits that on 12.02.2016 that there is no marriage performance between G. Sathishkumar and me. I was shocked and surprised by seeing the petition which was filed by the petitioner he is neither my husband nor my friend, he is only the neighbour.

5. I submits that after the incident on 12.02.2016 the petitioner father Govindan states that he had solemnized the marriage but there is no such occurrence took place in his residence I never and ever went to his house till this date.

6. I am submits that the petitioner who is like my brother and he is taking the advantage of me and he filed the present petition stating that I am wife of him and against my wishes I was illegally detained by my father namely, S. Ravi and I was not detained by any of them in my family.

7. I further submits that after the false complaint lodged by the petitioner herein the respondent police have torture me and my family due to this I was depressed and restless the petitioner used by name in the newspapers stating that I am the wife of the petitioner and he also states that I was kidnapped by father and my uncle. Here my submission is that I was not at all kidnapped by my relatives or by my father and I submit that the petitioner is spoiled by entire life by giving the false complaint to the respondent police and filing the HCP petition without any authentication document to show I am of the wife of the petitioner.

8. I am submits only after this petition and the respondent police was searching of me by the false complaint lodged by the petitioner herein, so I was shameless due to the newspaper news and false complaint by the petitioner son only from my willing I went to my grandmother house at Devakottai Village.

9. I submit that I was engaged with other person due to this false complaint and present HCP filed by the petitioner my marriage was stopped and my entire family was put into pressure.

10. I am submits that knowing my engagement to the petitioners he lodged the false complaint to the respondent police and claiming me as his wife and filed the present HCP and he drag me to this Hon'ble Court."

5. Further, a statement said to have been made by the detinue, has also been placed before this Court, by the learned Additional Public Prosecutor appearing on behalf of respondents 1 and 2. In the said statement, the petitioner had stated that no one had abducted her, as alleged by the petitioner and that she is living with her parents, on her own volition.

6. In such circumstances, we do not find any cause or reason, to grant the relief, as prayed for, by the petitioner. Hence, the Habeas Corpus Petition is dismissed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner of Police,
O/o. Commissioner of Police,
Vepery, Chennai - 600 007.
2. The Inspector of Police,
H-1, Vannarapet Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Sambamurthy, Advocate, S.R.No.15575
+1cc to Mr.S.Senthilvel, Advocate, S.R.No.19418
+1cc to Mr.M.Shreedhar, Advocate S.R.No.15417

H.C.P. No. 329 of 2016

gj (CO)
srg (20/04/2016)

सत्यमेव जयते

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