

In the High Court of Judicature at Madras

Dated: 22.03.2016

Coram:

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

H.C.P.No.405 of 2016

P.Manikandan

.. Petitioner

vs.

1.The Superintendent of Police,  
The Superintendent Office,  
Coimbatore.

2.State, rep.by  
The Inspector of Police,  
Vadavalli Police Station,  
Coimbatore District.

3.State, rep.by  
The Inspector of Police,  
Pappirettipatti Police Station,  
Dharmapuri District

4.Mr.Murugan

.... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the respondents to produce the detainee Priyadharshini, aged about 20 years, before this Court and restore her to the custody of petitioner.

For Petitioner .. Mr.K.Sudhakar

For Respondents .. Mr.V.M.R.Rajendran,A.P.P.  
for R1 to R3

O R D E R

(The order of the Court was made by M.SATHYANARAYANAN,J. )

The petitioner would state, among other things, that he loved and married the detainee, who is the daughter of the fourth respondent, aged about 21 years, on 22.1.2016, in Vinayagar Koil at Madurai. Thereafter, they started living as husband and wife. The

petitioner would further state that the parents of the detainee had lodged a complaint on 27.1.2016, on the file of All Women Police Station, Harur, and based on which, both of them were summoned and enquired and both of them were advised that since the petitioner did not reach the age of 21, as per the Statute, the marriage is null and void and also compelled him to execute an undertaking in that regard, failing which, a false case would be foisted. Left with no other option, it is stated that the petitioner has signed in some papers and handed over the same to the concerned police official. The petitioner alleging that the detainee is his wife and she is in the illegal custody of her parents, came forward to file this habeas corpus petition.

2. When the matter is listed today, the petitioner as well as the detainee and her mother are present before this Court. The detainee, on enquiry, would state that after completing the Diploma in Engineering, she has joined the B.E. course by way of lateral entry and she is pursuing the said course and out of love affair, she married the petitioner.

3. The learned counsel for the petitioner would submit that as per the 'Aadhar Card' issued to the petitioner, he was born on 02.06.1993 and since he attained the age of majority, the marriage is perfectly valid and prays for allowing the habeas corpus petition.

4. The learned Additional Public Prosecutor has produced the xerox copy of the ESLC mark list of the petitioner, wherein it has been disclosed that the petitioner was born on 02.06.1995. Since the particulars in 'Aadhar Card' are filled up based on the self-declaration given by the person concerned, this Court cannot take cognizance of the date of birth mentioned in the 'Aadhar Card' and further in the light of the ESLC mark list certificate, where the date of birth of the petitioner has been stated as 02.06.1995, this Court is of the view that the petitioner is yet to attain the age of 21. The petitioner has produced only the photograph, evidencing the marriage and no other proof has been filed to show that a valid marriage is subsisting between the petitioner and the detainee. In the light of the facts and circumstances, this Court is not inclined to order this habeas corpus petition. Accordingly, the habeas corpus petition is dismissed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

msk

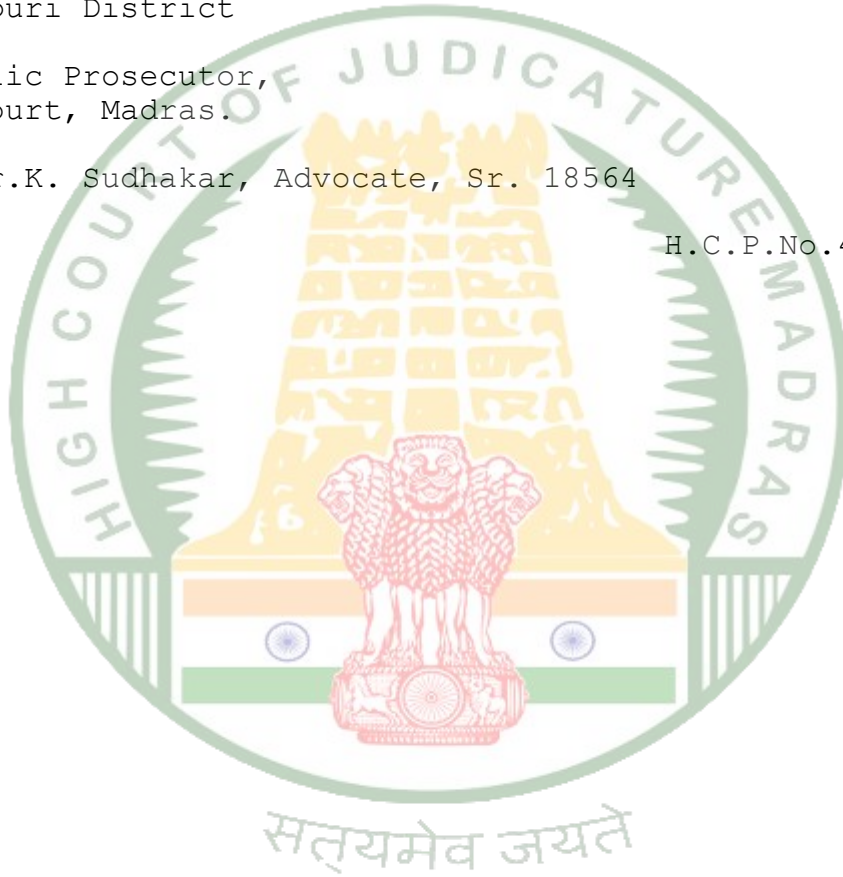
To

- 1.The Superintendent of Police,  
The Superintendent Office,  
Coimbatore.
- 2.The Inspector of Police,  
Vadavalli Police Station,  
Coimbatore District.
- 3.The Inspector of Police,  
Pappirettipatti Police Station,  
Dharmapuri District
- 4.The Public Prosecutor,  
High Court, Madras.

1 cc to Mr.K. Sudhakar, Advocate, Sr. 18564

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