

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.542 of 2016

S.Binson

.. Petitioner

vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai-600 007

2.The Inspector of Police,
(Law and Order)
D6, Anna Squire Police Station,
Triplicane, Chennai-600 005

3.Baskaran

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the 2nd respondent to rescue the detained petitioner's wife name Bavani, aged about 24 years, the detinue herein and produce her before this Court and set her at liberty.

For Petitioner .. Mr.J.N.Vincent for
M/s.Vincent and Vincent

For Respondents .. Mr.V.M.R.Rajendran,
Additional Public Prosecutor
for R1 and R2

O R D E R

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

The petitioner would state, among many other things, that he is a M.E.Graduate, working as an Assistant Professor in SVS College of Engineering, Myleripalayam, via., Arasampalayam, Coimbatore. He was in love with one Bhavani, daughter of the third respondent, aged about 24 years, who is working as an Assistant Engineer in Public Works Department (WRO) at Chennai. The petitioner would further state that both of them got

married, on 02.02.2016, at one of his friends residence, in the presence of their friends and well wishers, by way of tying 'mangal sutra' and also exchange of rings. He would further state that his wife's parents are against their marriage and they would go to any extent, even to the extent of honor killing. In order to safe guard their marriage, it is stated that both of them decided to register their marriage. Accordingly, on 17.2.2016, they jointly made an application to the Sub-Registrar, Coimbatore, to register the marriage, under the Special Marriage Act. Subsequently, they started living as husband and wife. The petitioner would aver that his wife used to travel down to Coimbatore, during the weekends and stay with him. But on 05.03.2016, she did not reach Coimbatore and therefore, he came to Chennai on 10.3.2016 and the efforts made by him to trace his wife became futile and hence, he lodged a complaint, on 14.3.2016, to the second respondent and since no action has been taken on the said complaint, alleging that his wife is in the illegal custody of her father, the third respondent herein, the petitioner has come forward to file this habeas corpus petition, to direct the 2nd respondent to rescue his wife, namely, Bhavani, and produce her before this Court and set her at liberty.

2. Heard the submissions of the learned counsel for the petitioner, who would submit that since the petitioner and the detinue, Bhavani, belong to different religion, they submitted an application on 17.02.2016, to register their marriage under the Special Marriage Act and in the interregnum, his wife has been forcibly taken away by the third respondent and apprehending that there may be honour killing, the petitioner is constrained to approach this Court.

3. Per contra, the learned Additional Public Prosecutor appearing for the first and second respondents would submit that as and when a complaint is received from the petitioner, appropriate action would be taken.

4. A perusal of the complaint given by the petitioner would disclose that he has not made any allegation against the third respondent. Admittedly, the alleged wife of the petitioner is the daughter of the third respondent and therefore, it cannot be said that she is under the illegal custody of the third respondent. Hence, the habeas corpus petition is dismissed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

msk

To

1.The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai-600 007

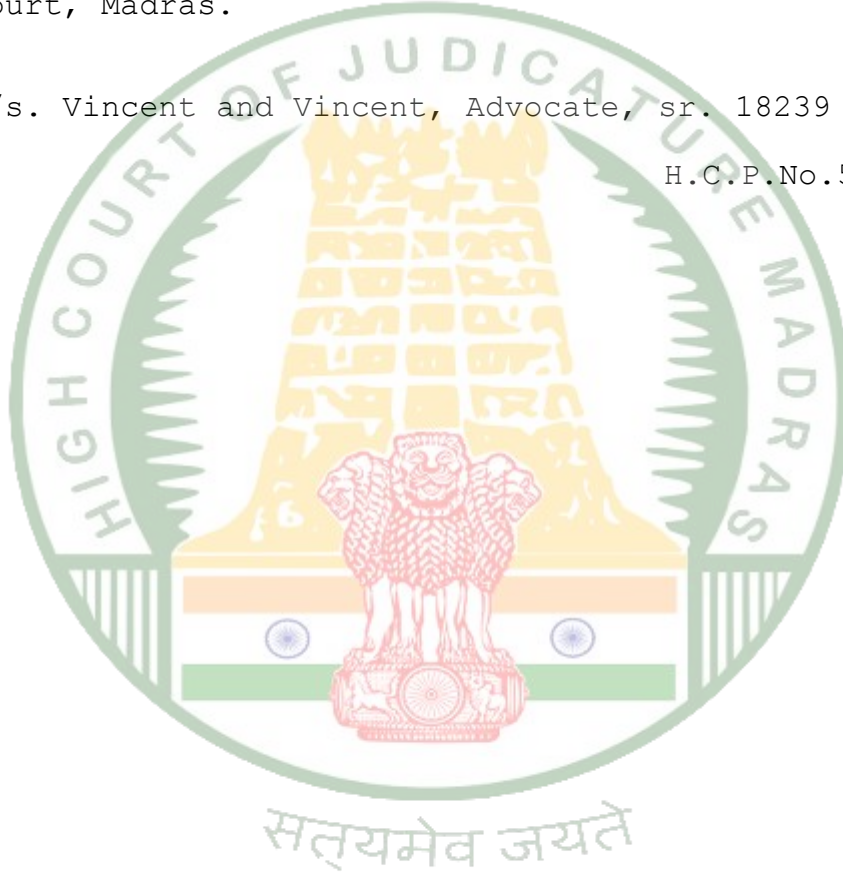
2.The Inspector of Police,
(Law and Order)
D6, Anna Squire Police Station,
Triplicane, Chennai-600 005

3.The Public Prosecutor,
High Court, Madras.

1 cc to M/s. Vincent and Vincent, Advocate, sr. 18239

H.C.P.No.542 of 2016

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