

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.03.2016

CORAM

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

HCP No.543/2016

R.Prakash

.. Petitioner

Versus

1.The Inspector of Police
Maranda Alli Police Station
Maranda Alli, Palacode Taluk
Dharmapuri District.

2.G.Parthiban

...Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Habeas Corpus directing the 1st respondent to investigate and secure the petitioner's wife Haritha and produce before this Court and set her at liberty forthwith.

For Appellant : Mr.M.D.Thirunavukkarasu
For R-1 : Mr.V.M.R.Rajentran
Additional Public Prosecutor

ORDER

[Order of the Court was made by S. NAGAMUTHU, J,]

The petitioner is the husband of one Mrs.Haritha, the detinue herein. According to him, the marriage between him and the detinue was solemnised on 29.01.2016 and from the date of marriage, they were living as husband and wife. He has further stated that from 08.03.2016, Mrs.Haritha, has been found missing. In this regard, he has made a complaint to the Inspector of Police, Maranda Alli Police Station, upon which, a case came to be registered in Cr.No.91/2016 u/s.366 IPC. Since the detinue was not rescued by the police, the petitioner has come up with this petition.

2 Today, when the matter was taken up for hearing, the detinue Haritha, was produced before this Court by the 1st respondent. The petitioner is also present before us.

3 On enquiry, the detenie Haritha has stated that the marriage between her and the petitioner was solemnised against her wish and that she did not like to live with the petitioner. Therefore, on her own, according to her, she went with the 2nd respondent herein, with whom she had love affair for a long time and married him again on 11.03.2016 by undergoing "Suyamariyadhai" form of marriage and the marriage has been duly registered on the file of the Registrar of Marriages, Pallipalayam. She would now state that she is presently living with the 2nd respondent as his wife and she does not want to go with the petitioner herein. The said statement is recorded.

4 The learned counsel for the petitioner would submit that the marriage between the petitioner and the detenie was valid and without getting the said marriage dissolved, there cannot be a second marriage for the detenie with the 2nd respondent.

5 In our considered view, this question cannot be gone into in this Habeas Corpus Petition, as it is for the petitioner to work out his remedy before the appropriate Forum. We are only concerned with the safety of the detenie. Since we are satisfied that the detenie is not detained by the 2nd respondent herein and that she is living with him on her own accord, there is no scope for any direction to be issued, as prayed for by the petitioner. It is also brought to the notice of this Court that the detenie is a major and her Date of Birth is 02.11.1996 and she is capable of taking decision for her future.

6 The detenie Haritha would however submit that she needs protection from the police to ensure her safety and security. We make it clear that if the detenie makes any representation to the 1st respondent police, the police will ensure her safety and security.

7 With the above observation, the petition stands dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

AP

To

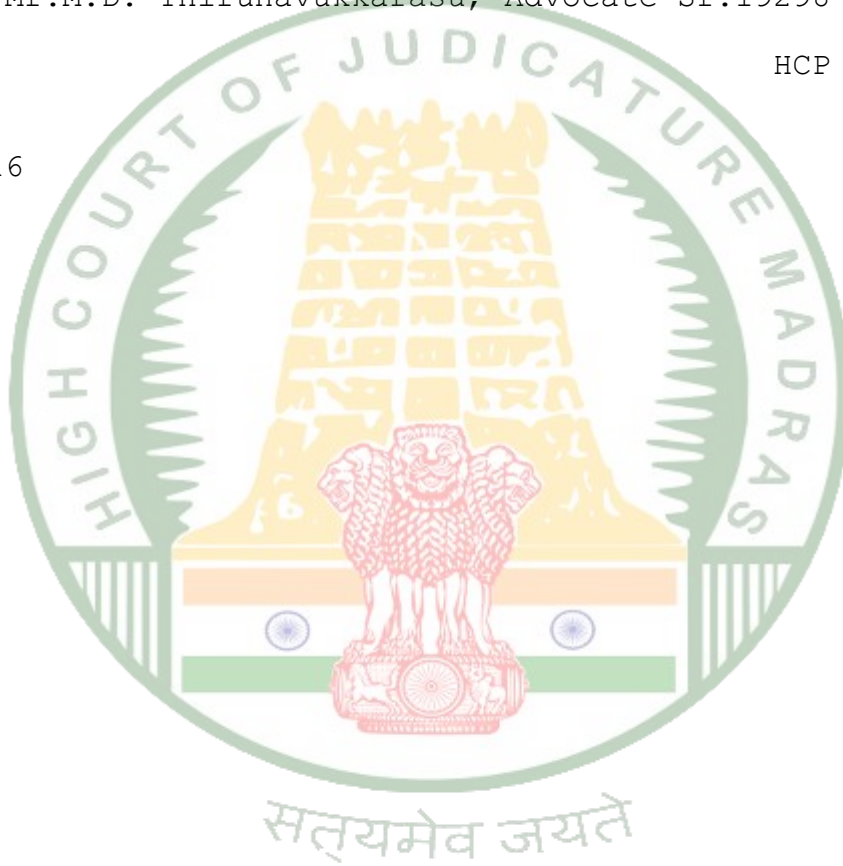
1.The Inspector of Police
Maranda Alli Police Station
Maranda Alli, Palacode Taluk
Dharmapuri District.

2.The Public Prosecutor
High Court, Chennai.

+ 1 cc to Mr.M.D. Thirunavukkarasu, Advocate Sr.19298

HCP No.543/2016

KGK(CO)
Eu 07.04.16



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