



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.R.SHIVAKUMAR
and
THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P (MD) No.1807 of 2015

Santiago Nirmal

.. Petitioner

Vs.

1.The Superintendent of Police,
O/o.Superintendent of Police,
Tirunelveli District.

2.The Sub Inspector of Police,
Pazhavor Police Station,
Radhapuram Taluk,
Tirunelveli District.

3.Inaaci

: Respondents

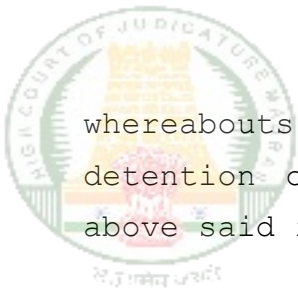
PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to direct Respondent Nos. 1 & 2 to produce the person or body of the petitioner's wife namely I.Susmi (21/15) before this Court and set her at liberty.

For Petitioner : Mr.D.Saravanan
For RR - 1 & 2 : Mr.R.Ramachandran
Additional Public Prosecutor
For R - 3 : Mr.SRA.Ramachandran

O R D E R

[Order of the Court was made by P.R.SHIVAKUMAR, J.]

Santiago Nirmal, the petitioner in this Habeas Corpus Petition, has approached this Court with a prayer for the production of I.Susmi, aged about 21 years, alleging that both of them got married according to the provisions of Christian Marriage Act; that since the petitioner is working as boatswain, his wife Susmi was with her parents and that subsequently, he received a communication from his wife Susmi that she was subjected to cruelty and her parents were trying to get her remarried to another person against her well. Contending further that the



whereabouts of his wife Susmi was not known and he apprehended illegal detention of Susmi by her parents, the petitioner has prayed for the above said relief.

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2. On information received from the police regarding the filing of this Habeas Corpus Petition and an order directing the production of Susmi, the third respondent who is none other than the father of Susmi entered appearance through his counsel and sought time for production of Susmi before this Court. Consequently, this Bench directed him to produce Susmi today.

3. As directed by this Court in its order dated 04.01.2016, the third respondent has produced Susmi before this Court. He is also accompanied by his wife. The petitioner is also present. The respective counsel for the petitioner and the third respondent are also present. In their presence and in the presence of the Inspector of Police, Pazhavur Police Station, who is represented by Mr. R. Ramachandran, learned Additional Public Prosecutor, Susmi is questioned in the open Court. She states that she and the petitioner got married on 06.05.2015 and their marriage was also registered by a Marriage Registrar under the Indian Christian Marriage Act, 1872. It is her further statement that after marriage, the petitioner went for his job and she went to her parent's place and was living there. Though she would state that she was not confined by anybody, she seems to be somewhat perplexed and frightened during the course of the proceedings. In fact, when we asked her to go with her parents as she was not confined by her parents as per her own statement, she refused to do so and expressed her desire to go with the petitioner. By now, she seems to have gained some clarity.

4. At this juncture, the third respondent and his wife seek the permission of the Court to personally speak to their daughter Susmi in confidence. Their plea to save their prestige, falls in deaf ear with Susmi. Even after such plea made by her parents, Susmi seems to be determined not to go with her parents and she pleads for allowing her to go with the petitioner. Though Susmi is not ready to betray her parents regarding the allegation of confinement, she makes it clear that she is determined to go with her parents and as a major and since she has also married the petitioner, she should be permitted to go with the



petitioner.

5. Admittedly, Susmi is a major and having been born on 20.03.1995, she has completed the age of 20. As she is a major, she cannot be compelled to go with the parents against her will. She is free to go with the petitioner or even anybody else as she is a person of not only maturity, but also a major. Under the said circumstances, we have to dispose of the Habeas Corpus Petition, recording the above said statement of Susmi and making it clear that she is free to go anywhere and with anybody including the petitioner as she pleases. By making such observation, it should not be misunderstood that we are expressing any opinion regarding the validity or otherwise of the alleged marriage. It is also open to them to rectify the defect, if any, if they are so advised.

6. The Habeas Corpus Petition is disposed of accordingly.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar.

To

1. The Superintendent of Police,
O/o. Superintendent of Police,
Tirunelveli District.

2. The Sub Inspector of Police,
Pazhavor Police Station,
Radhapuram Taluk,
Tirunelveli District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr. D. Saravanan, Advocate, SR.No. 7481

+1CC to Mr. S. R. A. Ramachandran, Advocate, SR.No. 781

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