



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

H.C.P. (MD) No.1201 of 2016

M.Raghuvaran

: Petitioner

Vs.

1.The Superintendent of Police,
Superintendent of Police Office,
Sivagangai District,
Sivagangai.

2.The Inspector of Police,
Poovanthi Police Station,
Thiruppuvanam Taluk,
Sivagangai District.

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the first and second respondents to produce the person or body of the detenu, namely Pon Mari, aged 19 years, D/o.Malaisamy, before this Court and set her at liberty.

For Petitioner : Mrs.V.Jeyarani

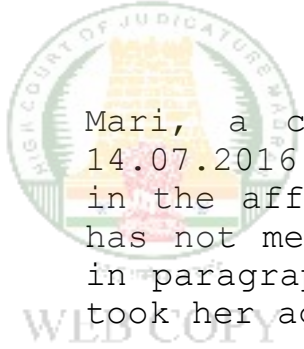
For Respondents : Mr.A.Ramar,
Additional Public Prosecutor

For Mr Detenu : Mr.V.S.Kumaraguru

ORDER

(Order of the Court was made by **S.NAGAMUTHU, J.**)

The petitioner claims to be the husband of one Pon Mari, aged 19 years, D/o.Malaisamy. According to the petitioner, the marriage between him and the detenu took place on 14.07.2016. Thereafter, on 17.07.2016, she was taken by her parents. In connection with the same, on a complaint made by the father of the detenu-Mrs.Pon



Mari, a case has been registered in Crime No.132 of 2016 on 14.07.2016 under Section 366(A) of the Indian Penal Code. However, in the affidavit filed in support of the petition, the petitioner has not mentioned anything about the case. Instead, he has stated in paragraph No.3 of the affidavit that the parents of the detenu took her against her wish and detained her.

2. Today, when the matter was taken up, the petitioner made appearance. He states that he is doing L.L.B. three years degree course in a college in Bangalore. The petitioner submitted that in fact, there was marriage on 14.07.2016. The detenu was produced before this Court. Her parents also made appearance. She told the Court that the petitioner is only a cousin brother. She would further submit that there was no marriage at all between her and the petitioner. According to the detenu, the allegation that the marriage on 14.07.2016 is absolutely falsehood. She would further state that because of the said allegation, her future has been spoiled.

3. The learned Additional Public Prosecutor would submit that the girl was secured in connection with the case in Crime No.132 of 2016 on 15.07.2016, wherein the detenu told the learned Judicial Magistrate No.2, Sivagangai, that she likes to be with her parents. Accordingly, she was sent back to be with her parents.

4. The petitioner would submit that he knew very well about the said order passed by the learned Judicial Magistrate on 15.07.2016, allowing the detenu to be with her parents. When we enquired the learned counsel as to why she has not mentioned about the order passed by the learned Magistrate, the counsel has got no answer to it. When we enquired the petitioner as to why he suppressed the fact, by means of learned Magistrate, the girl was entrusted to her parents, the petitioner has also got no explanation to offer. When we enquired the detenu, she told that there was no marriage and she likes to be with her parents. All these statements are recorded.

5. From all the above facts, it is crystal clear that the petitioner, having known that there was a judicial order passed by the learned Magistrate entrusting the custody of the detenu with her parents, has come to this Court with unclean hands by suppressing the facts with ulterior motive. Therefore, we are unable to grant the relief as prayed for in this petition. Accordingly, the Habeas Corpus Petition is dismissed.

6. At the same time, while dismissing the petition, we are directing the police to re-open the investigation and also to impose cost on the petitioner for having suppressed the fact about the earlier judicial order passed by the learned



Magistrate and having abused the jurisdiction of this Court. Accordingly, the petitioner is directed to pay a sum of Rs.1,000/- (Rupees One Thousand only) as costs. The cost amount shall be paid to the Legal Services Committee, attached to the Madurai Bench of Madras High Court, within a period of fifteen days from the date of receipt of a copy of this order. The second respondent shall re-open the case, investigate the same thoroughly and file appropriate police report.

Sd/
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Superintendent of Police Office,
Sivagangai District,
Sivagangai.
- 2.The Inspector of Police,
Poovanthi Police Station,
Thiruppuvanam Taluk,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

1.MR.M.RAGHUVARAN,
S/o.K.MAYAKRISHNAN,
3/104, VINAYAKAR STREET,
VAIGAIVADAKARAI,
THIRUPPUVANAM, SIVAGANGAI DISTRICT

2 THE SECRETARY,
LEGAL SERVICES COMMITTEE,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1 cc to MR.V.S.KUMARAGURU, Advocate Sr.No.53302

Order made in
H.C.P. (MD) No.1201 of 2016

Dated:
19.09.2016