



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2016

WEB COPY

CORAM:

**THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN**

H.C.P.[MD].No.1286 of 2016

M.Prabhakaran : Petitioner
Vs.

1.The Superintendent of Police,
Theni District, Theni.

2.The Inspector of Police,
Devaram Police Station,
Theni District.

3.Murugavel Pandian : Respondents

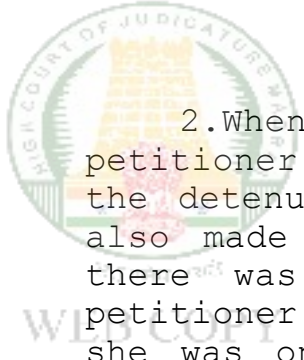
PRAYER: Habeas Corpus Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the 2nd respondent to produce the person or body of the detenu namely Akshaya W/o.Prabhakaran, daughter of Murugavel Pandian, aged 19 years from the illegal custody of the 3rd respondent before this Court and set her at liberty.

For Petitioner : Mr.R.Balakrishnan
For respondents 1 & 2 : Mr.A.Ramar,
Additional Public Prosecutor
For 3rd respondent : Mr.P.Mahendran

O R D E R

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

The petitioner claims to be husband of one Akshaya, daughter of the third respondent herein. According to the petitioner, he fell in love with her and married her on 13.07.2016. But, from 14.07.2016 onwards, she was illegally detained by the third respondent. With these allegations, the petitioner has come up with this Habeas Corpus Petition.



2. When the matter was taken up for hearing today, the petitioner made his appearance. The second respondent produced the detenu before this Court. The third respondent and his wife also made appearance. When we enquired, the detenu told that there was no such marriage at all between herself and the petitioner on 13.07.2016. She further stated that on 13.07.2016 she was only at her house and that the allegation made by the petitioner that the marriage between herself and the petitioner in a Murugan Temple is false. She further stated that she would like to be only with her parents. The said statement is recorded.

3. The petitioner, however, submitted that there was marriage between himself and the detenu on 13.07.2016. No material has been filed even to make a *prima facie* case of the same. At any rate, since the detenu wants to be with her parents, we set her at liberty and thus, we are not able to pass any order in favour of the petitioner. This habeas Corpus Petition is, therefore, dismissed, leaving it open to the detenu to choose her own way of life.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Theni District, Theni.

2. The Inspector of Police,
Devaram Police Station,
Theni District.

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

+1 cc to M/s.R.Balakrishnan, Advocate in SR.No.57655

+1 cc to M/s.P.Mahendran, Advocate in SR.No.56793

gcg

CSL/DB/14.10.2016: 2P/6C

**Order made in
H.C.P. [MD].No.1286 of 2016
Dated:28.09.2016**