



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **19.12.2016**

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **R.SUBBIAH**
AND
THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**
H.C.P.[MD].No.1677 of 2016

Vivekananthan : Petitioner

Vs.

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

2.The Inspector of Police,
Annavasal Police Station,
Pudukottai District.

3.A.Subramanian : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the person or body of the detinue, namely Sangavi, W/o.P.Vivekananthan, aged about 22 years before this Court and set her at liberty forthwith.

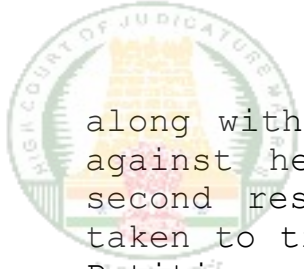
For Petitioner : Mr.V.Selva

For Respondents 1&2 : Mr.K.S.Duraipandian
Additional Public Prosecutor

O R D E R

[Order of the Court was made by **R.SUBBIAH, J**]

The petitioner is the husband of the detinue - Sangavi, aged about 22 years. He has filed the present Habeas Corpus Petition stating that he belongs to Scheduled Caste community. He fell in love with one Sangavi, the detinue, who belongs to Kallar Community. They loved each other for the past five hears. When the parents of the detinue came to know about the same, they did not allow the detinue to marry the petitioner and hence, she voluntarily left the parental home and got married to the petitioner on 29.01.2015. Their marriage was also registered before the Sub-Registrar Office, Othakadai, Madurai. Thereafter, they went to their respective parents' house and they were living separately. Now, the parents of the detinue arranged for the second marriage of the detinue with some other person. In such a situation, the detinue came to the petitioner's house on 05.12.2016 and from that day onwards, they were living in the petitioner's house. While so, on 07.12.2016, the third respondent



along with some persons came to his house and kidnapped his wife against her wish. Therefore, he lodged a complaint before the second respondent on 09.12.2016. Since no effective steps were taken to trace out the detainee, he filed the present Habeas Corpus Petition.

2. Today, when the matter was taken up for consideration during the forenoon session, the second respondent produced the detainee before this Court. When we enquired the detainee, she made a request to allow her to talk to the petitioner. Accordingly, she was allowed to talk to the petitioner. The matter was passed over. Again, it was called by 04.30 p.m. We enquired the petitioner and the detainee. The detainee expressed her willingness to go only with the petitioner. She also express her apprehension that the petitioner may be attacked by her parents and hence, she sought for police protection to reach their place.

3. In view of the above statement made by the detainee, since the detainee is a major, aged about 22 years and she is willing to go only with the petitioner, the husband of the detainee, this Court has been left with no other alternative except to allow her to choose her own way of life. Since she expressed apprehension at the hands of her parents, the second respondent is directed to provide protection to the detainee and the petitioner to reach the house of the petitioner safely.

4. The Habeas Corpus Petition is disposed of accordingly.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

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

2.The Inspector of Police,
Annavasal Police Station,
Pudukottai District.

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

SML

MSK/11.01.2017/2P-4C