



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2016

CORAM:

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

H.C.P (MD) No.32 of 2016

P.Percypodel

... Petitioner

Vs.

1. The Superintendent of Police,
Ramanahthapuram District,
Ramanathapuram.

2. The Inspector of Police,
Rameswaram Police Station,
Law and Order, Rameswaram,
Ramanathapuram District.

3.Packiyam

... Respondents

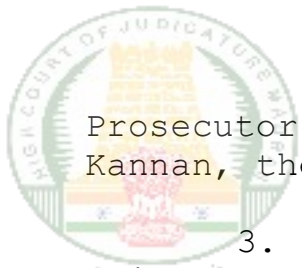
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the person or body of the detenu/petitioner's wife namely Ebsiba D/o.Packiyam, aged 20 years, before this Court and set her at liberty.

For petitioner	: Mr.T.Indrachithu
For respondent Nos.1&2	: Mr.R.Ramachandran Additional Public Prosecutor
For Respondent No.3	: Ms.Porkodi Kannan

ORDER

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

The petitioner claiming to be the husband of the missing girl, named, Ebsiba, aged about 20 years, has come forward with this Habeas Corpus Petition trading allegations against the third respondent, who is none other than the father of the said girl, to the effect that Ebsiba has been illegally detained by him against her will and that the third respondent should be directed to produce her before this Court and set her at liberty on such



Prosecutor appears for the respondent Nos.1 and 2. Ms.Porkodi Kannan, the learned counsel appears for the third respondent.

3. Today, the second respondent has produced Ebsiba. The third respondent along with his wife is also present. On enquiry, it is found that no legally valid marriage took place between the petitioner and Ebsiba. On the other hand, there seems to be some kind of affair between them which may be a love affair or even not more than infatuation. When questioned in the open Court, Ebsiba states that she went to the Police Station to make a complaint against her father, since he was arranging for her marriage against her will, but after being advised by the police, she went back to her parental home and was living with her parents till the second respondent came and brought her to this Court. Ebsiba makes it clear that she has not been detained by her father, namely, the third respondent or anyone against her will and that she, on her own volition, is residing with her parents. Hence, no case of illegal detention has been made out warranting this Court to set Ebsiba at liberty. As she is not in the custody of anyone, there shall be no question of setting her at liberty. The expression of her desire to go with her parents alone is recorded and the Habeas Corpus Petition is disposed of.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
2. The Inspector of Police,
Rameswaram Police Station,
Law and Order, Rameswaram,
Ramanathapuram District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO M/S.POLAX LEGAL SOLUTIONS, IN SR NO. 3016
+ 1 CC TO M/S.T.INDRACHITHU, ADVOCATE IN SR NO. 2755

NB

TE/PM-MP/ : 02/02/2016 : 2P/6C