



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2016

CORAM:

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

H.C.P(MD)No.91 of 2016

R.Nimmalraj .. Petitioner
Vs.

1.State rep.by
The Superintendent of Police,
Theni district.

2.State rep.by
The Inspector of Police,
Palanichettipatti Police Station,
Theni District.

3.Kamatchi @ Murugan

4.Amirthaselvi .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to direct the respondents 1 and 2 herein to secure the detenu namely Preethy, aged about 21 years D/o. Kamatchi @ Murugan from the illegal custody of the respondents 3 and 4 herein and produce the body of the detenu before this Court.

For Petitioner : Mr.K.Gokul
For RR - 1 & 2 : Mr.C.Ramesh
Additional Public Prosecutor

O R D E R

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

The petitioner, claiming to be the lover of the alleged detenu, has come forward with the present Habeas Corpus Petition contending that parents of the alleged detenu have illegally detained her against her will and have arranged for a marriage with another person against her will. He has prayed for the issue of a writ of habeas corpus directing the respondents to produce the alleged detenu Preethy, who is deaf and dumb and to set her at liberty.

2.A compliant seems to have been lodged by the petitioner on 05.01.2016 and sent it to the respondents 1 and 2 by post and the same was received on 26.01.2016. According to the submission made by the learned Additional Public Prosecutor who has taken notice on behalf of the respondents 1 and 2, the same was assigned a CSR Number.



3.The learned Additional Public Prosecutor on receipt of notice of filing of this Habeas Corpus Petition, sent an intimation to the second respondent, who in turn, informed the third and fourth respondents regarding the filing of the Habeas Corpus Petition and the date of hearing. Hence, the third respondent has come to this Court along with his daughter Preethy. The petitioner is also present along with his father and his counsel Mr.K.Gokul.

4.We are informed that the petitioner is also deaf and dumb. Though Preethy is a deaf and dumb, she is a literate and she is able to furnish her answers to the queries made by the Court in writing. She states that she was born on 07.11.1994 and thus, aged 21 years. In order to prove the same, the third respondent has produced the National Identity Card and Passbook with Disability Certificate of Preethy issued by the Government of Tamilnadu, Department of Rehabilitation of the Disabled. Preethy's date of birth has been noted therein as 07.11.1994 which tallies with the answer given by Preethy. As such, Preethy is found to be a major. The third respondent has also produced a wedding invitation card showing that they have arranged for the marriage of Preethy with one Senthilkumar and the marriage is scheduled to be solemnised on 19.02.2016. The alleged detenu makes it clear that she does not want any relationship with the petitioner; that she is not confined against her will by her parents and that she wants to go with her father. For the question whether she has given her consent for the marriage with Senthilkumar as evidenced by the marriage invitation card produced by the third respondent, Preethy says that she wants Senthilkumar to be her husband. The above said statement of Preethy will be enough to show that the petitioner has got not even a prima facie case and the Habeas Corpus Petition deserves to be dismissed in limine. Though we feel it is a fit case for imposing cost, considering the fact that the petitioner is also a deaf and dumb, we restrain ourselves from passing such an order.

5.The statement of Preethy is recorded and the Habeas Corpus Petition is dismissed. The statement of Preethy recorded in writing in the form of question and answer form and the wedding card are directed to be placed along with the records in the Habeas Corpus Petition.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub AssistantRegistrar

To

1.The Superintendent of Police,
Theni district.

2.The Inspector of Police,
Palanichettipatti Police Station,



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

+1cc to M/s.K.Gokul, Advocate SR.No.5174

WEB COPY

sm:AAl-MPA:5.2.2016:3P/5c

H.C.P (MD) No.91 of 2016
27.01.2016