

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE RAJIV SHAKDHER
and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P. No.1885 of 2017

K.Ranjith Kumar

... Petitioner

-vs-

1. The State rep.by Superintendent of Police
O/o. The Superintendent of Police
Krishnagiri District

2. The Inspector of Police
Taluk Police Station
Kirhsnagiri District

3. Rani

4. Govindaraj

5. D.Ravikumar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents to produce the body of petitioner's wife Mrs. Vinithra Devi, 23 age, and set her at liberty.

For Petitioner : Ms.Selvi George

For Respondents: Mr. V.M.R.Rajentran

Additional Public Prosecutor

O R D E R

[Order of the Court was made by RAJIV SHAKDHER, J.]

1. On the last date, we passed the following order:

"... 1. Pursuant to our earlier Order dated 11.10.2017, the detainee/Mrs.Vinithra Devi was produced in Court today. The petitioner claims to be the husband of the detainee/Mrs.Vinithra Devi.

2. We have interacted with the detainee/Mrs.Vinithra Devi. She has accepted the fact that she entered into matrimony with the petitioner. The detainee/Mrs.Vinithra Devi has also informed us that she is, presently, in the family way. The respondents 3 and 4 are present in Court, today. They insist on securing the custody of the detainee/Mrs.Vinithra Devi.

3. We are told that the detainee/Mrs.Vinithra Devi is major and is aged about 23 years. The detainee/Mrs.Vinithra Devi has indicated to us in no uncertain terms that though she is wanting to accompany the petitioner, she apprehends harm to herself and the petitioner from her parents/respondents 3 and 4.

4. In these circumstances, we are inclined to pass the following directions:

i) The detainee/Mrs.Vinithra Devi is permitted to accompany with (sic) the petitioner.

ii) The official respondents (i.e., respondents 1 and 2) will ensure the security of both the petitioner and the detainee/Mrs.Vinithra Devi.

iii) Since, proceedings have been filed by the detainee/Mrs.Vinithra Devi for dissolution of marriage with the petitioner in the Court of Principal Subordinate Judge, Krishnangiri, an affidavit will be filed stating therein what was told to us today, which is, that the said petition was filed on account of coercion and undue influence exerted by her parents i.e, respondents 3 and 4.

4. The said affidavit will be filed within one week from today.

5. Re-notify the matter on 30.10.2017. . . . "

2. In terms of direction contained in paragraph 4 (iii), the detainee/Mrs.Vinithra Devi, has filed an affidavit dated 31.10.2017, wherein, in paragraph '4' of the said affidavit, she has stated as follows:

" I respectfully state that the affidavit filed in IA 63 of 2017 in unnumbered HMOP of 2017 on file of Sub Court Krishnagiri was obtained by threat, force and coercion. I did not sign the affidavit voluntarily and I never intended to file such a case against my husband and Ranjith Kumar. Now I have gone through the copy of the affidavit in I.A.63 of 2017 and I am to state that the content in para 5 of the affidavit is not true and that Mr.Ranjith Kumar is not my relative and there is no relationship of brother and sister between myself and Mr.Ranjith Kumar."

2.1. The affidavit is marked as Ex."A". The affidavit will remain part of the record.

3. The detenue/ Mrs Vinithra Devi, who is present in Court, has deposed before us that the signature obtaining at point "A" on the affidavit dated 31.10.2017 (Ex."A") is hers.

4. We, once again, interacted with the detenue/ Mrs. Vinithra Devi.

4.1. She says that she would want to remain in the company of the petitioner, i.e., her husband.

5. Having regard to the aforesaid facts, the captioned petition is closed. No further orders are called for in the present petition.

5.1. The detenue/Mrs. Vinithra Devi, will be free to remain in the company of the petitioner.

6. The Station House Officer, Bargur Police Station, shall ensure that no harm comes to the petitioner and the detenue/ Vinithra Devi.

ga

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police
O/o. The Superintendent of Police
Krishnagiri District

2. The Inspector of Police
Taluk Police Station
Kirhsnagiri District

3. The Public Prosecutor
High Court, Chennai.

4. The Sub Court, Krishnagiri

5. Station House Officer
Bargur Police Station,
Bargur.

+1cc to Mrs.Selvi George, Advocate SR.No.77606/17
+1cc to Mr.S.C.Vishwanth, Advocate SR.No.77337

H.C.P. No.1885 of 2017

SR(CO)
sm:24.11.2017