

In the High Court of Judicature at Madras

Dated: 06.03.2017

Coram:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

H.C.P.No.286 of 2017

J.Premkumar

.. Petitioner

vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Ram Nagar, Coimbatore District.

2.State by:
The Inspector of Police,
Chettipalayam Police Station,
Chettipalayam.

3.Vijayakumar B

4.G.Sudha

..... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the respondents to produce the body of the detenu namely V.Annapoorna, aged about 23 years, wife of J.Premkumar, whose whereabouts are not known and produce the detenu before this Court and set her at liberty.

For Petitioner .. Mr.R.Marudhachalamurthy

For Respondents... Mr.V.M.R.Rajentren, Addl.P.P.
for R1 & R2

O R D E R

(The order of the Court was made by S.NAGAMUTHU, J.)

The petitioner claims to be the husband of one Mrs.V.Annapoorna, aged 23 years. Her date of birth is 21.4.1993. According to the petitioner, he married the detenu on 2.1.2017 and thereafter they lived together as husband and wife. The petitioner further stated that on 26.01.2017, by force, the third respondent, who is the father of Mrs.Annapoorna, took her into his custody and right from that

time onwards, according to the petitioner, the third respondent has been illegally detaining his wife Mrs.Annapoorna. With these allegations, he came up with this habeas corpus petition.

2. Today, when the matter is taken up, Mrs.Annapoorna was produced by the police and we enquired her. She told that she had fallen in love with the petitioner and married him on her own volition, on 2.1.2017 and thereafter she was living with him. She has further stated that on 26.01.2017, she was taken by the third respondent. Now, she wants to go with her husband, namely, the petitioner herein. The said statement is recorded.

3. The third respondent, who was present before this Court, told us that he is unable to accept the marriage between the petitioner and Annapoorna. In our considered view, it has got no relevancy with this habeas corpus petition, in view of the fact that the detinue wants to go and live only with the petitioner. The detinue has further stated that now she is pregnant by two months

4. In view of the above, we find that there is no illegal custody of the detinue by anybody. Since the detinue, being a major, now wants to go with the petitioner, she is set at liberty to choose her own way of life. Accordingly, this habeas corpus petition is dismissed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

msk
To

1.The Superintendent of Police,
Office of the Superintendent of Police,
Ram Nagar, Coimbatore District.

2.The Inspector of Police,
Chettipalayam Police station, Chettipalayam.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Marudhachalamurthy, Advocate sr.14362

H.C.P.No.286 of 2017

sv(co)
ss(17/3/2017)