

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2017

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE V.PARTHIBAN

H.C.P.No.711 of 2017

S.Vasanthan
S/o.K.Senthil Kumar ...Petitioner

-v-

1. State
Represented by
Inspector of Police
N1, Royapuram Police Station
Chennai - 600 013.
2. K.Hariselvam
No.25, 'B' Block, Meenakshi Ammanpet
Chennai. ...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the records on the file of the 1st respondent, based on the complaint dated 02.05.2017 and direct the respondent Police to cause the production of his wife M.Nandhini Priya who is under the illegal detention of the second respondent.

For Petitioner : Mr.D.Chandrakumar

For Respondents : Mr.V.M.R.Rajentren, A.P.P., for R1
Prof.M.Udhaya Banu, for R2

ORDER

(Order of the Court was made by N.KIRUBAKARAN, J)

The present Habeas Corpus Petition has been filed by a person alleged to be the Husband of Second respondent's daughter Ms.Nandhini Priya, aged about 21 years and a B.Com degree holder.

2. According to the petitioner, Nandhini Priya and the petitioner have been in love for sometime and therefore, they got married on 14.02.2017 in a temple and thereafter, they got their marriage registered with the District Registrar Office, Chennai North Joint-I, Waltax Road. After coming to know about the marriage between the petitioner and Nandhini Priya, there was a quarrel between the two families and the petitioner's wife was abducted by her parents and she has been kept in illegal custody, which compelled the petitioner to approach this Court by way of a Habeas Corpus Petition .

3. Today the Police has produced the second respondent's daughter Nandhini Priya before this Court and the petitioner is also present before the Court. The parents of both the petitioner and Nandhini Priya were also present.

4. This Court verified with the girl namely, Nandhini Priya as to whether she went for marriage registration and she answered positively. Further, she would submit that she is not interested in going along with the petitioner now. Moreover, both the petitioner as well as the second respondent's daughter Nandhini Priya were allowed to have communication with each other for some time in the chamber and even thereafter, the girl was very firm and she wanted to go only along with her parents. Since the petitioner is a major aged about 21 years, this Court cannot compel a major to go along with the petitioner against her wishes and the same was also conveyed to the petitioner.

5. In view of the above developments, the present Habeas Corpus Petition has to be dismissed. At this juncture, it is submitted by the petitioner that in view of the complaint preferred by the second respondent, the police is in search for him. Mr. Udhaya Banu, learned counsel appearing for the second respondent would submit that the said complaint would be withdrawn and Inspector of Police, who is also present before this Court is duly informed about the same.

6. In fine, the Habeas Corpus Petition stands dismissed, leaving it open to both the parties to work out their remedies before the appropriate forum in a manner known to law.

-s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police
N1 Royapuram Police Station
Chennai 13

2. The Public Prosecutor
High Court, Madras

+2 Ccs to Mr.M. UdhayaBanu, Advocate sr 36711
+2 CC to Mr.D.Chandrakumar, sr 36714

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