

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2017

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
and

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

H.C.P.No. 2266 of 2016

P.Selvadurai

.. Petitioner

Vs.

1.The District Superintendent of Police
Thiruvannamalai District
Thiruvannamalai

2. The Inspector of Police
Cheyyar Police Station
Thiruvannamalai District

3. Pandiyarajan

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus directing the first and second respondents herein to produce the detinue Archana, Wife of Selvadurai, aged 19 years, now in the custody of the third respondent herein, before this Court and set her at liberty.

For Petitioner : Mr.R.Srinivasarao

For Respondents : Mr.V.M.R.Rajentren
Addl. Public Prosecutor for R1& R2

ORDER

[Order of the Court was made by M.JAICHANDREN, J.]

Heard the learned counsel appearing for the petitioner, as well as the learned Additional Public Prosecutor appearing on behalf of the respondents 1 and 2 herein.

2. This Habeas Corpus Petition has been filed by the petitioner, praying that this Court may be pleased to issue a direction to the respondents to produce the detenue Archana, Wife of Selvadurai, aged 19 years, now in the custody of the third respondent herein, before this Court and to set her at liberty.

3. The petitioner had stated that he is the husband of the detenue, namely, Archana, aged about 19 years. It has been stated that the petitioner had married the detenue, on 09.09.2016, at Thiruparkadal, in Kanchipuram District. However, the said marriage had not been registered. It had also been stated that the detenue is a major, as her Date of Birth is 16.04.1998. A copy of the Transfer Certificate issued by the Government Higher Secondary School, Azhagama Nagar, Sivagangai District, dated 20.06.2013, had been placed before this Court, as proof of her Date of Birth.

4. Today, when the matter had been listed for hearing, the second respondent had produced the detenue before this Court. On enquiry, the detenue had stated that she had married the petitioner, on 09.09.2016, and that she is willing to go along with the petitioner.

5. In such circumstances, this Court is of the considered view that since the detenue is a major and had expressed her willingness to go along with the petitioner, it is appropriate to permit the detenue to go along with the petitioner, who is her husband. Accordingly, the detenue is permitted to go along with the petitioner, as per her wish. Since the petitioner and the detenue had expressed apprehension that they may be harmed by their parents and other relatives, the second respondent police is directed to give the detenue and the petitioner sufficient police protection, if such a request is made by them. No further orders are necessary in the Habeas Corpus Petition. Accordingly, the Habeas Corpus Petition stands closed.

[M.J. J.] [T.M.J.,]

12.01.2017

Index : Yes/No
Internet: Yes

Note to Office : Issue order copy today (12.1.2017)

To

- 1.The District Superintendent of Police
Thiruvannamalai District
Thiruvannamalai
2. The Inspector of Police
Cheyyar Police Station
Thiruvannamalai District
- 3.The Public Prosecutor
High Court, Madras.

M.JAICHANDREN J.
AND
T.MATHIVANAN, J.

gpa

H.C.P.No.2266 of 2016

12.01.2017