

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2017

CORAM

THE HON'BLE MR.JUSTICE S.NAGAMUTHU

and

THE HON'BLE DR.JUSTICE ANITA SUMANTH

H.C.P.No.2561 of 2016

Elangovan

.. Petitioner

versus

1.The Inspector of Police,
Palur Police Station,
Kanchipuram District.

2.The Superintendent of Police,
Kanchipuram District.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, to direct the first respondent herein to produce the corpus or body of the petitioner's wife, namely, Mrs.Divya born on 03.11.1995 aged 21 years before this Court and set her at liberty.

For Petitioner : Mr.N.Sudharsan

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

Additional Public Prosecutor

सत्यमेव जयते

O R D E R

[Order of the Court was made by S.NAGAMUTHU,J.]

The petitioner seems to be the husband of Ms.Divya/detenué, whose date of birth is 03.11.1995. According to the petitioner, he married Ms.Divya on 09.04.2014. Thereafter, she was taken into illegal custody by her father. While so, the detenué filed Original Petition in F.C.O.P.No.327 of 2015 before the Family Court, Chengalpet, seeking to nullify the marriage solemnized between her and the petitioner herein. That petition was dismissed by the Family Court on 10.11.2016.

Immediately, on 28.11.2016, the petitioner has filed the present Habeas Corpus Petition alleging that, the detenue has been illegally detained by her father.

2. Today, when the matter was taken up for hearing, the detenue has been produced before this Court by the respondent Police.

3. The learned counsel appearing for the petitioner would submit that as against the decree and judgment of the Family Court in F.C.O.P.No.327 of 2015, an appeal has been filed by the detenue in C.M.A.No.862 of 2017. The detenue would inform us that she has been all along with her parents and family members. Thus, according to her, there is no illegal detention and this fact was very well known to the petitioner.

4. We have heard the learned counsel for the petitioner; the learned Additional Public Prosecutor appearing for the respondents 1 and 2 and we have also perused the records carefully.

5. From the narration of these facts, it is crystal clear that there is some matrimonial dispute between the petitioner and the detenue from the year 2014 onwards. It is not the case of the petitioner that the detenue was illegally detained by her father. It is also seen from the decree and judgment of the Family Court that the detenue appeared before the Family Court and gave the evidence as P.W.1. Thus, the detenue has all along with her parents. Had been his case, he work out his remedy before the Family Court itself. But he has approached this Court by filing this Habeas Corpus Petition knowing fully well that there is no truth in the allegation that the detenue was illegally detained by her father. Therefore, we are unable to grant the relief as prayed for by the petitioner.

6. In the result, this Habeas Corpus Petition is dismissed, leaving it open for the detenue to chose her own way of life. However, we are inclined to impose cost on the petitioner to pay a sum of Rs.1,000/- [Rupees One Thousand only] to the Tamil Nadu Legal Aid Services Authority, High Court, Chennai.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

sri

To

1.The Inspector of Police,
Palur Police Station,
Kanchipuram District.

2.The Superintendent of Police,
Kanchipuram District.

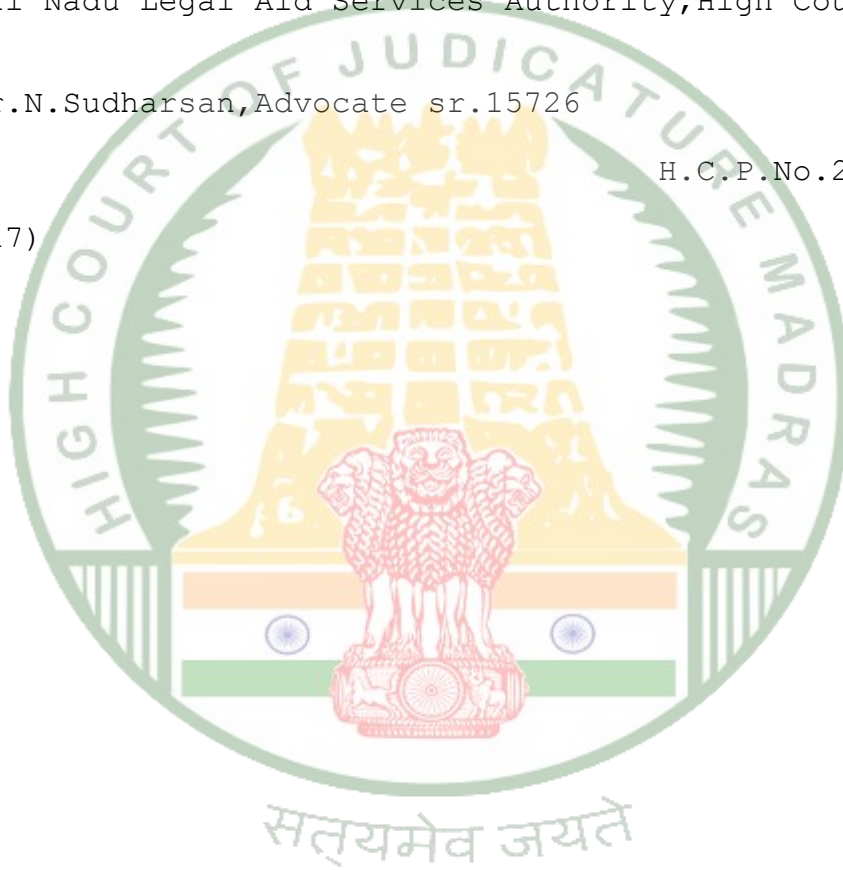
3.The Public Prosecutor
High Court, Madras.

4.The Tamil Nadu Legal Aid Services Authority, High Court,
Chennai.

+1cc to Mr.N.Sudharsan, Advocate sr.15726

H.C.P.No.2561 of 2016

rsy(co)
ss(7/4/2017)



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