



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

H.C.P.[MD].No.1356 of 2017

R.Senthil Kumar : Petitioner
Vs.

1. The Superintendent of Police,
Pudukottai, Pudukottai District.
2. The Inspector of Police,
Keeramangalam Police Station,
Keeramangalam, Pudukottai District.
3. V.Saravanan
4. R.Chinnappa
5. Veerammal

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 herein to secure the petitioner's wife/detenu namely Sithana, D/o.Chinnappa, aged about 23 years, from the illegal custody of the respondents 3 to 5 herein and to produce the detenu before this Court and set her at liberty.

For Petitioner : Mr.K.Gokul

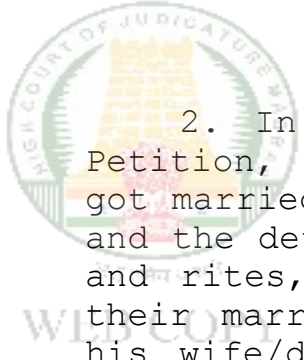
For Respondents 1 & 2 : Mr.A.Ramar
Additional Public Prosecutor

For Respondents 3 to 5 : Mrs.K.Mahalakshmi

O R D E R

[Order of the Court was made by **R.SUBBIAH, J.**]

The present Habeas Corpus Petition has been filed by petitioner, seeking a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the person or body of the detenu, namely, Sithana, D/o.Chinnappa, aged about 23 years, before this Court and set her at liberty.



2. In the affidavit filed in support of the Habeas Corpus Petition, it has been averred that on 16.09.2015, the petitioner got married the detenu herein. The marriage between the petitioner and the detenu took place, on 16.09.2015, as per the Hindu customs and rites, which was an arranged marriage. After few months of their marriage, the petitioner went to Malaysia for job leaving his wife/detenu with her parents. After six months, he returned back India. Thereafter, he left for Malaysia and came back after some time. The respondents 4 and 5, who are the parents of the detenu, pressurized the petitioner to stay in India for which he refused stating that he had invested money in Malaysia. Once again, the petitioner went back to Malaysia and after some time, came back to India and found that the detenu got married with the third respondent with the help of the respondents 4 and 5. Hence, the petitioner lodged a complaint to the second respondent. Since no effective steps were taken by the respondents 1 and 2, the petitioner has come up with the present Habeas Corpus Petition.

3. Today, when the Habeas Corpus Petition was taken up for consideration, the second respondent police produced the detenu. On enquiry, she has stated that the marriage had not taken place between her and the petitioner. In fact, engagement alone took place between them, on 16.09.2015. Thereafter, she came to know about the character of the petitioner. According to the detenu, the petitioner is having illicit relationship with yet another woman and subsequently, the marriage proposal between them was given up. Thereafter, the marriage was fixed with the third respondent and accordingly, the marriage was solemnized between them. The detenu has further stated that the petitioner has filed the present Habeas Corpus Petition with false allegations. When we enquired the parents of the detenu, they have also confirmed the stand taken by the detenu.

4. In view of the above statement given by the detenu and her parents, we are of the considered view that the detenu is not in illegal custody. Hence, the Habeas Corpus Petition is closed with liberty to the petitioner to approach the appropriate forum.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Pudukottai,
Pudukottai District.

2. The Inspector of Police,
Keeramangalam Police Station,
Keeramangalam,
Pudukottai District.



3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.R.p.RAMACHANTHIRAN, Advocate Sr.No.81568

NB

VB/KK/SAR4/11/10/2017/3P/5C

**ORDER MADE IN
H.C.P. [MD] .No.1356 of 2017
03.10.2017**