



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:10.05.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA
and

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

H.C.P. [MD] .No.695 of 2017

S.Udhayakumar : Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Karur Town, Karur.

3.The Inspector of Police,
Karur Town Police Station,
Karur, Karur District.

4.Arumugam : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to direct the respondents 1 to 3 to produce the body or person of the detenu namely Nivetha Sanj, W/o. Udayakumar, aged 20 years now detained by the 4th respondent before this Hon'ble Court and set her at liberty.

For Petitioner : Mrs.P.Krishnaveni
For Respondents 1 to 3 : Mr.K.S.Durai Pandian
Additional Public Prosecutor

O R D E R

[Order of the Court was made by **T.RAJA, J.**]

Heard learned counsel appearing for petitioner and the learned Additional Public Prosecutor appearing for respondents 1 to 3.

2. The petitioner claims to have married the detenu, namely, Nivetha Sanj, aged about 20 years as per the Hindu rites and rituals at Shivan Malai Balasubramanian Temple at Kangayam Taluk, Tiruppur District on 13.03.2017. He further claimed that from 18.04.2017, he was unable to contact the detenu and on enquiry, he came to know that the fourth respondent objecting the said marriage, has stopped her from pursuing her studies and detained her at home.

3. Adding further, it is stated that the detenu namely, Nivetha Sanj, while studying 3rd year B.E at Avinasilingam College,



Coimbatore has fallen in love with the petitioner, who was doing business of heavy motors Lathe Work and finance. In the meanwhile, they got married on 13.03.2017.

4. In view of the intervention of the fourth respondent, who is the father of the detenu, the petitioner is not able to keep in touch with his alleged married wife/detenu. Therefore, he has given a complaint to the third respondent on 24.04.2017 and further representation to the respondents 1 and 2. As the fourth respondent is a highly influential person in the locality, no action has been taken on his representations. But these allegations are not substantiated by the petitioner before this Court by any evidence whatsoever.

5. Firstly, we are not able to find any iota of evidence that the petitioner had married the detenu on 13.03.2017. No evidence whatsoever has been produced before us. Secondly, the petitioner has come to this Court with the complaint that from 18.04.2017 his wife is missing. It is also not known why he has not given any complaint immediately either on 18th, 19th or 20th. Thirdly, he himself has admitted before us that he made a complaint before the third respondent only on 24.04.2017 but no proof whatsoever has been produced to substantiate that the said representation has been given to the third respondent on 24.04.2017. Fourthly, the copy of the complaint lodged before the Police Station at Karur Town shows the complaint No.224 of 2017 with the date of receipt on 01.05.2017. Ultimately, no documents have been produced before this Court to prove that they were married and living together from 13.03.2017.

6. For all these reasons, this Court finds that there is no merit in this petition and the same is dismissed.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police, Karur District, Karur.
- 2.The Deputy Superintendent of Police, Karur Town, Karur.
- 3.The Inspector of Police, Karur Town Police Station, Karur, Karur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CM/MR/TSG

PSM/MR/SAR1/24.05.2017/2P/5C