

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2018

CORAM:

THE HON'BLE DR. JUSTICE S.VIMALA
AND
THE HON'BLE MRS. JUSTICE S.RAMATHILAGAM

H.C.P.No.1226 of 2018

Karthik

... Petitioner

versus

1. The Superintendent of Police,
Collector Office Road, Villupuram.

2. The Inspector of Police,
Sangarapuram Police Station,
Sangarapuram Taluk,
Villupuram District.

... Respondents

Petition filed for the issuance of a writ of habeas corpus directing the respondents to produce the body and person of the detinue, Sree Lekha, aged about 22 years, before this Hon'ble Court and set her at liberty.

For Petitioner : Mr.Krishnaswamy Chinnaswamy

For Respondents: M/s.M.Prabhavathi, APP

ORDER

(DELIVERED BY DR. S.VIMALA, J.)

The petitioner has filed the present petition stating that he is the husband of the detinue and he has filed a complaint stating that his wife, who was married to him on 25.05.2018 has been taken away from his custody and he seeks direction from this Court to direct the respondents to produce the detinue before this Court and set her at liberty.

2. It is stated that the marriage took place without the consent of the parents on both sides and only at the instances and request of his in-laws, (i.e. the parents of his wife,) she was sent along with her parents to her parental home. However, his wife has not returned from her parental home and on enquiry, his in-laws are not properly responding. Therefore, he has sought direction to the respondents to trace and produce his wife before the Court.

3. Heard Mr.Krishnaswamy Chinnaswamy, learned counsel appearing for the petitioner and Mr.R.Prathap Kumar, learned Addl. Public Prosecutor appearing for the respondents.

4. When this Court pointed out that there is specific allegation as against the in-laws of the petitioner and why the in-laws have not been impleaded as respondents in this case, learned counsel for the petitioner submits that as there are no allegations, they were not impleaded. This submission is against the case of the petitioner.

5. There are specific allegations in the complaint against the alleged in-laws of the petitioner. In the petition also, in para-6, the allegation reads as under:

"6. I further humbly submit that I have doubt on her parents that they may go to any extreme to separate us as they were not accepted out intercaste marriage at earlier stage. There is a life threat to her due to intercaste marriage."

6. The submission of the learned counsel for the petitioner seems to be for want of instructions from the party. Hence, the impleadment of parents-in-law perhaps would have solved all problems. As such, there is no case of illegal custody, especially in the absence of proof for the marriage. Hence, this petition has to be dismissed.

7. Accordingly, this Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

GLN/ogy

To

1. The Superintendent of Police,
Collector Office Road, Villupuram.
2. The Inspector of Police,
Sangarapuram Police Station,
Sangarapuram Taluk,
Villupuram District.

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3.The Public Prosecutor,
High Court, Madras.

H.C.P.No.1226 of 2018

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