

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 20.07.2018

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA
AND
THE HONOURABLE MRS. JUSTICE S.RAMATHILAGAM

H.C.P. NO. 1268 of 2018

S.Shankar

.. Petitioner

- Vs -

1. The Superintendent of Police,
Kanchipuram,
Kanchipuram District.
2. The Inspector of Police,
H-3, Maraimalainagar Police Station,
Kanchipuram District.
3. Selvam

... Respondents

Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of habeas corpus, to direct the 1st and 2nd respondents to produce the body of Mrs.S.Priya, aged about 20 years, wife of the petitioner, who is in the illegal custody of the 3rd respondent and their men before this Court and set her at liberty forthwith.

For Petitioner :Mr.D.Balachandran

For Respondents:Mr. R.Prathap Kumar,
Additional Public Prosecutor for R1
and R2 M/s.V.R.Appaswamee for R3

ORDER

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

This Habeas Corpus Petition has been filed by the petitioner seeking a direction to the 1st and 2nd respondents to produce the detainee by name S.Priya, aged about 20 years, before this Court, claiming that she is his wife.

2. In the supporting affidavit, it is stated by the petitioner that both of them were in love with each other for a period of five years; later, they decided to get married and accordingly, they married in Walajah at Sri Kanaga Durai Amman Temple on 02.05.2018 and the marriage was also registered on 16.05.2018. It is further stated that though the petitioner

preferred a complaint before the second respondent police, however, the same was not registered as a First Information Report. Hence, this Habeas Corpus Petition has been filed.

3. On notice, the detainee is present along with her father.

4. On enquiry, the detainee submitted that she did not give any consent for their marriage and the marriage was performed out of compulsion.

5. The petitioner submitted that they got married with a full consent of the detainee and in support of the same, he filed some photographs.

6. Having regard to the limited jurisdiction in the Habeas Corpus Petition, we recorded the statement of both parties.

7. The learned counsel appearing for the petitioner submitted that the petitioner is being harassed by the Police, asking him to give signature in blank papers as well as to admit that the marriage was not a valid one. The said statement made before this Court is recorded.

8. Recording the same, this Habeas Corpus Petition is closed. If the petitioner has any grievance, he can work out his remedy in a manner known to law, before the appropriate forum.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Kanchipuram,
Kanchipuram District.
 2. The Inspector of Police,
H-3, Maraimalainagar Police Station,
Kanchipuram District.
- + 1 cc to Mr. D. Balachandran, Advocate Sr.48593
+ 2 ccs to Mr.V.R. Appaswamee Advocate Sr.48569

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VGII(CO)
EU(05/09/2018)

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