

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 19.04.2018

CORAM

THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.No.739 of 2018

M.Dharmaraj

.. Petitioner

Versus

1. The Superintendent of police
Dharmapuri
Dharmapuri District
2. State by
The Inspector of Police,
Kottapatti Police Station,
Dharmapuri District
3. Mohan
4. Vijsiya

.. Respondents

Prayer:

Petition filed under Article 226 of the constitution of India, praying for a issuance of Writ of Habeas Corpus by directing the respondents herein to produce the body and person of the detenu by name Agila Rosy aged about 20 years before this Court and handover her custody to the petitioner, now detained under the illegal custody of the 3rd and 4th Respondents herein.

For Petitioner : Mr.M.Jayachandran
For Respondents : Mr.R.Ravichandran
Government Advocate

O R D E R

(Order of the Court was made by R.HEMALATHA,J.,)

The petitioner, namely, M.Dharmaraj, has filed the present Petition for issuance of Writ Habeas Corpus directing the respondents 1 and 2 to produce Agila Rosy, aged 20 years before this Court.

2. In the affidavit filed along with the petition, the petitioner has contended that he married Agila Rosy during the year 2016 and that on the ill advise of the 4th Respondent, who is the mother of Agila Rosy and her husband, Mohan, [3rd Respondent herein], she left the matrimonial home on 07.12.2017. Therefore, he lodged a complaint with Inspector of Police, Kottapatti Police Station, Dharmapuri District.

3. A notice was issued to the Respondents 1 and 2 and in response to the notice, Agila Rosy was produced before this Court and we interacted with her. She contended that she was born on 14.02.1998 and that the petitioner, herein abducted her in a car on 22.12.2017 when she was studying 2nd year B.A.Literature in Meenakshi Arts College, Chennai. It is also her contention that though she married the petitioner herein at Chinna Thirupathi, Salem, the said marriage was not registered. According to her, the petitioner started harassing her and unable to meet out the same, she left the matrimonial home and joined her mother. She also contended that she is not willing to go with the petitioner, at this stage.

4. It is pertinent to note that the Detenue, namely, Agila Rosy is a major and this Court, is convinced that she can decide her own life and the petitioner, if aggrieved, is directed to take appropriate proceedings with regard to his matrimonial disputes before the competent forum, if he is so advised.

In view of the above, the present Habeas Corpus Petition is disposed of, as nothing survives for further adjudication.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssd

To

1. The Superintendent of police
Dharmapuri
Dharmapuri District
2. State by
The Inspector of Police,
Kottapatti Police Station,
Dharmapuri District

3. The Public Prosecutor,
High Court, Madras

H.C.P.No.739 of 2018

NM(CO)
CS/16/05/18



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