

In the High Court of Judicature at Madras

Dated: 20.04.2018

Coram:

The Hon'ble Mr.Justice M.VENUGOPAL
and
The Hon'ble Mrs.Justice R.HEMALATHA

H.C.P.No.763 of 2018

M.Karthikeyan .. Petitioner

Vs.

State rep. by

1.The Commissioner of Police,
Greater Chennai, Vepery,
Chennai-600 007.

2.The Inspector of Police,
D-4, Zambazaar Police Station,
Triplicane,
Chennai-600 005.

.. Respondents

Prayer: This Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus to direct the second respondent police to produce the petitioner's wife Mrs.Roopadevi, aged about 22 years before this Court and set her at liberty.

For Petitioner : Mr.S.Jayakumar

For Respondent : Mr.R.Ravichandran
Nos.1 & 2 Government Advocate (Crl. Side)

O R D E R

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

The Petitioner/Karthikeyan has filed the present petition for issuance of Writ of Habeas Corpus directing the second respondent to produce his wife Mrs.Roopadevi, aged about 22 years before this Court and set her at liberty.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing on behalf of the respondents.

3. In the affidavit filed along with the Petition, the petitioner/ karthikeyan has contended that he fell in love with Roopadevi, who is distantly related to him and that on 04.04.2018, his wife Roopadevi left his parental house and joined him and both of them came over to Chennai and proceeded to Periyapalayam where they stayed together overnight. It is also his contention that he married the said Roopadevi on 05.04.2018 at Selva Vinayagar Koil, Pinchala Street, Arani Taluk, Tiruvallur District. According to him, the relatives of his father-in-law kidnapped his wife and taken her back to Dindigul and that before proceeding to their home, they attacked the petitioner herein as a result of which, he became unconscious and was admitted in a hospital. He has therefore filed the present Habeas Corpus Petition.

4. Notice was issued to the respondents and in response to the notice, the said Roopadevi, aged about 22 years is produced by the respondents before this Court today.

5. When this Court interacted with the detenu Roopadevi, she contended that the petitioner Karthikeyan is related to her and both of them fell in love with each other. She also contended that they left Dindigul on 04.04.2018 and came over to Tiruvottriyur, Chennai where the petitioner's house is situated. It is also her contention that on 05.04.2018, both of them married in a temple at Periyapalayam and that when they were coming back home, her parents took her back to Dindigul. According to her, the petitioner projected himself as rich when in fact, he is poor and she could find out this fact only after visiting his house on 04.04.2018. She presently does not want to go with the petitioner herein.

6. We also interacted with the petitioner, who contended that the petitioner and Roopadevi were in love with each other for the past two years and on 04.04.2018, Roopadevi joined him and both of them came over to Chennai and stayed in Periyapalam and on 05.04.2018, both of them married at Selva Vinayagar Temple, Arani Taluk, Tiruvallur District and proceeded to Tiruvottriyur, where they stayed in a house for three days. According to him, the relatives of the detenu Roopadevi came over there and attacked him and forcibly took the detenu Roopadevi with them. It is also his contention that he fell unconscious and was also admitted in a hospital. At this stage, the learned Government Advocate (Crl. Side) furnished a copy of the Accident Register dated 07.04.2018 in which the injuries sustained by the petitioner on 07.04.2018 is clearly indicated. When this Court questioned the learned Government Advocate (Crl. Side) about the further proceedings taken in this regard, he said that so far no FIR has been registered in that case and they would be

registering the FIR today. The learned counsel appearing for the petitioner contended that in fact, the petitioner and the detenue Roopadevi were brought before the Inspector of Police, Sathankaadu Police Station where the detenue expressed that she is willing to go with the petitioner herein and also gave the same in writing.

7.It is to be pointed out that the detenue Roopadevi is a major and when she says that she is not willing to go with the petitioner, it is for the petitioner to work out his remedy before the appropriate forum.

8.Since the detenue Roopadevi, a major, has been produced before this Court, nothing survives for further adjudication and hence, the Habeas Corpus Petition is disposed of.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

DP

To

1.The Commissioner of Police,
Greater Chennai, Vepery,
Chennai-600 007.

2.The Inspector of Police,
D-4, Zambazaar Police Station,
Triplicane,
Chennai-600 005.

3.The Public Prosecutor, Madras High Court.

4.The Inspector of Police, Sathankaadu police station, chennai.

+2ccto Mr.S.Jayakumar, Advocate, sr.no.30228

H.C.P.No.763 of 2018

RSI (CO)

RRK (22/05/18)