

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2018

CORAM:

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

H.C.P.No.2069 of 2018

R.Ambedkar

.... Petitioner

vs.

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

2.The Deputy Superintendent of Police,
Nagapattinam,
Nagapattinam District.

3.The Inspector of Police,
Pagasalai Police Station,
Srikazhi,
Nagapattinam.

4.Durairaj

.... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus to issue a WRIT OF HABEAS CORPUS, directing the respondents to produce the petitioner's wife Lakshmi, aged 28 years, wife of R.Ambedkar, before this Court and set her at liberty.

For Petitioner : Mr.M.Mathiyalagan

For Respondents: Mr.M.Mohamed Riyaz,

Additional Public Prosecutor
for R1 to R3

ORDER

(Order of the Court was made by N.KIRUBAKARAN)

Heard the Learned Counsel for the Petitioner and the Learned Additional Public Prosecutor for the Respondents 1 to 3.

2.The Petitioner has come before this Court stating that his wife Lakshmi is in unlawful custody of the fourth respondent. According to the petitioner, he got married the said Lakshmi on 21.04.2017 and they have been leading a normal life. However, his wife was found missing from 02.05.2018. He lodged a complaint to the third respondent, who refused to receive the complaint, which compelled the petitioner to send the same through RPAD. Nothing has been done by the third respondent so far. Hence, the petitioner has come before this Court.

3. During the hearing of the petition, after passing over the matter for some time, the Inspector of Police, Pagasalai Police Station, Srikazhi, Nagapattinam, has produced the detainee before this Court, who is a well grown up lady, aged about 26 years. She has categorically stated that she was forced to marry the petitioner and she does not want to live with the petitioner. She also stated that now she is living independently and she is working in a private concern.

4. Taking into consideration the fact that the detainee is a major and she has got every right to decide her future, the prayer sought for by the petitioner cannot be granted. However, it is open to the petitioner to work out his remedy, as per Law, before the appropriate forum, if he wants to seek restitution of conjugal rights.

With the above observation, the Habeas Corpus Petition is dismissed.

msk

Sd/-

Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
Nagapattinam,
Nagapattinam District.
2. The Deputy Superintendent of Police,
Nagapattinam,
Nagapattinam District.
3. The Inspector of Police,
Pagasalai Police Station,
Srikazhi,
Nagapattinam.
4. The Public Prosecutor
High Court, Madras

EV(CO)

sm:23.10.2018

H.C.P.No.2069 of 2018