

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

H.C.P.No.2185 of 2018

B.Manivannan .. Petitioner

-vs-

1. The Superintendent of Police,
Office of the Superintendent of Police,
Villupuram,
Villupuram District.

2. The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi,
Villupuram District.

3. Sekar .. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the 1st and 2nd respondents/police to produce the body or person of petitioner's wife Buvaneeshwari, who is aged about 22 years, who is under the illegal custody of the 3rd respondent.

For Petitioner : Mr.R.Murugabharathi

For Respondents: Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.

J U D G M E N T

(Judgment of the Court was delivered by N.KIRUBAKARAN, J.)

The Petitioner claims that he got married to one S.Bhuvaneshwari on 25.08.2018 at Thiruvaranam Koil, Thiruvarangam. Thereafter, based on the complaint of the 3rd respondent, who is the father of the said S.Bhuvaneshwari, the petitioner and his wife were called for enquiry by the 2nd respondent/police. After enquiry, the 2nd respondent/police sent away his wife along with the 3rd respondent and thereafter, the 3rd respondent is keeping the petitioner's wife in illegal custody. In this regard, the petitioner gave a complaint on 10.09.2018, to the 1st respondent and the same was refused to be received. Thereafter, another complaint was

given on 24.09.2018 to the 2nd respondent. Since, no action has been taken on the said complaint, the petitioner is constrained to move this petition before this Court.

3.Heard Mr.R.Murugabharathi, learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the respondents.

4.The learned Additional Public Prosecutor would submit that during enquiry, it was admitted by the detainee Ms.S.Bhuvaneshwari that she went along with the petitioner but she has not married him as claimed by the petitioner. Moreover, the petitioner has not filed any photographs or documents to show that he has already married the 3rd respondent's daughter.

5.Further, the representation given to the Inspector of Police by the detainee on 27.08.2018 would reveal that she went along with the petitioner and now, she wanted to rejoin her mother. The alleged detainee is aged about 22 years and when she herself expressed her intention to go along with her mother, the prayer sought for by the petitioner in this petition cannot be granted.

6.Therefore, this petition is not maintainable and the same is dismissed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Villupuram,
Villupuram District.
2. The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi,
Villupuram District.

3.The Public Prosecutor
High Court, Madras 104

GMR(CO)
sm:17.10.2018

H.C.P.No.2185 of 2018