

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2018

CORAM:

THE HONOURABLE Mr.JUSTICE C.T.SELVAM  
and  
THE HONOURABLE Mrs.JUSTICE S.RAMATHILAGAM

H.C.P.No.2699 of 2018

Pachaiyappan @ Santhosh  
S/o.Ravi

.... Petitioner

-Vs-

1. The Commissioner of Police,  
Greater Chennai,  
Vepery, Chennai-600 007.
2. The Inspector of Police,  
Sankar Nagar Police Station,  
Chennai.
3. Anantha Raman.P.

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the first and second respondents to produce the detainee Hemashree, wife of Pachaiyappan @ Santhosh, aged 24 years, from the custody of third respondent herein, before this Hon'ble Court and set her at liberty.

For Petitioner : Mr.R.Shankarasubbu

For Respondents: Mr.R.Prathap Kumar  
Additional Public Prosecutor  
for R1 & R2

ORDER

[Order of the Court was made by C.T.SELVAM, J]

Petitioner seeks production of the detainee viz., Hemasree, aged 24 years informing her to be his wife.

2. Heard learned counsel for petitioner as also learned Additional Public Prosecutor for respondents 1 and 2.

3. Under orders in HCP No.1954 of 2017 dated 07.11.2017, this Court has recorded that the detainee viz., Hemasree admitted to the marriage but, informed her desire to stay with her parents. Petitioner has now moved the present petition informing that a fresh cause of action viz., messages forwarded by the girl dated 25.04.2018, would lead to the inference that she is under illegal custody. The detainee has moved HMOP No.1562/2018 seeking annulment of marriage and the same has been allowed, under orders dated 02.08.2018, subsequent to counter affidavit filed by the petitioner herein, wherein, he has denied all the allegations and specifically stated that he is not insistent upon the marital relationship.

4. It is the submission of learned counsel for petitioner that under compulsion and on misrepresentation that the parents of the girl would bring the couple together, petitioner has sworn to such affidavit, he having studied only up to VII standard.

5. The submission of learned counsel is too big a pill to swallow. This Habeas Corpus Petition shall stand dismissed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

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

2. The Inspector of Police,  
Sankar Nagar Police Station,  
Chennai.

3. The Public Prosecutor,  
High Court, Madras.

H.C.P.No.2699 of 2018

KS(CO)  
NR 26/12/2018