



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 12.02.2018

Coram :-

THE HON'BLE DR.JUSTICE S.VIMALA

and

THE HON'BLE MRS.JUSTICE T.KRISHNAVALLI

Habeas Corpus Petition (MD) No.140 of 2018

Palaniselvam

... Petitioner

-vs-

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

2.The Inspector of Police,
Thirumayam Police Station,
Thirumayam,
Pudukkottai District.

3.Karuppaiah

... Respondents

Prayer: Habeas Corpus Petition is filed under Article 226 of Constitution of India, seeking a direction to the 1st and 2nd respondents to produce the person or body of the Detenu, namely, Bharathi, D/o.Karuppaiah, W/o. Palaniselvam, aged about 23 years, before this Honourable Court and set her at liberty.

For Petitioner : Mr.V.Selva

For R1 & R2 : Mr.C.Ramesh

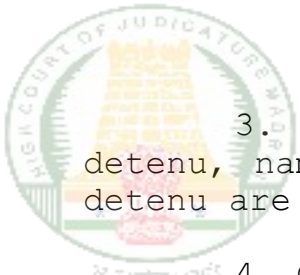
Addl. Public Prosecutor

O R D E R

(Order of the Court was made by S.Vimala,J.,)

The petitioner, claiming himself to the husband of the detenu, has filed this petition, seeking direction to the respondents 1 & 2 to produce his wife / detenu, namely, Bharathi, aged about 23 years before this Court and set her at liberty.

2. According to the petitioner, he has completed B.E.Degree and fell in love with the detenu. Since the parents of the detenu did not agree for their marriage, both went out of the house and got married on 17.12.2017. He has also produced a copy of the marriage registration certificate dated 03.01.2008. While so, the third respondent along with his henchmen came to his house and forcibly kidnapped the detenu against her will and after her abduction, the whereabouts of the detenu is not known to him. Hence, he lodged a complaint with the 2nd respondent and since there was no effective steps taken by the respondent police to trace out the detenu, he is before this Court, seeking for the above direction.



3. The learned Additional Public Prosecutor has produced the detenu, namely, Bharathi and the petitioner and the parents of the detenu are present before this Court.

4. On being enquired with the detenu, she has stated that she was not kidnapped or abducted by anyone and though she has not denied her marriage with the petitioner, she would submit that she is prepared to marry him again and live together after getting permission from her parents and till such time, he has to wait and finally, she expressed her willingness to go with her parents.

5. On enquiry with the parents, it is seen that they take dual stand, i.e., at one point of time, they agree for arrangement of the marriage of the petitioner and the detenu, after their settlement in life and another point of time, they state that there is a prohibited relationship between the petitioner and the detenu and they cannot marry each other. In view of the contradictory statement made by the parents of the detenu, no final or workable decision can be arrived at one stretch.

6. Therefore, considering the fact that the detenu is major, having attained the age of 23 years and also the fact that she is desirous to accompany her parents at present, she is set at liberty to act as per her own wish.

7. The Habeas Corpus Petition stands closed accordingly.

Sd/-

Assistant Registrar (Crl. side)

/True Copy/

Sub Assistant Registrar

To:

1. The Superintendent of Police,
Pudukkottai District,
Pudukkottai.
2. The Inspector of Police,
Thirumayam Police Station,
Thirumayam,
Pudukkottai District.
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

+1cc to M/S.V.Selva, Advocate SR.No. 48561

Habeas Corpus Petition No.140 of 2018

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