



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2018

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

HCP [MD].No.150 of 2018

K.Parameshwari

:Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Usilampatti, Madurai District.

3.The Sub-Inspector of Police,
Usilampatti Town Police Station, Madurai District.

4.Fazil

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, directing the respondents to produce the body of the petitioner's daughter namely Kaviya, who is aged about 19 years before this Court and set her at liberty to the Petitioner.

For Petitioner

: Mr.A.Ananda Raj

For R1 to R3

: Mr.K.Dinesh Babu

Additional Public Prosecutor

For R4

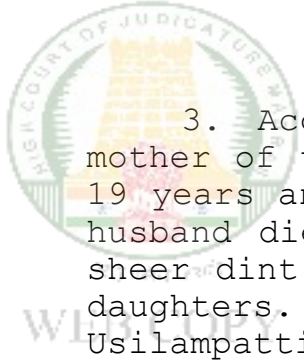
: Mr.R.Balamuruganantham

ORDER

[Order of the Court was made by S.VIMALA, J]

This Habeas Corpus Petition has been filed by the mother of the detenu to produce her daughter namely Kaviya, who is aged about 19 years.

2.We have heard the learned counsel for the petitioner; the learned Additional Public Prosecutor for the respondents 1 to 3 and the learned counsel for the fourth respondent. We have also perused the records carefully. The petitioner/mother of the detenu and the fourth respondent and his mother are also present before this Court.



3. According to the petitioner, she is a widow, being the mother of two children, by name, Kaviya / detenu herein, aged about 19 years and Harisimma aged about 16 years. She has stated that her husband died, when the detenu was two years old and hence, by the sheer dint of hard work and dedication, she had brought up her two daughters. The detenu is studying B.Sc., (Chemistry) in PMT College, Usilampatti. According to the petitioner, she did not attend the College for the past three months. The marriage between the detenu and her maternal uncle Balamurugan, who is a Mechanic by profession, had taken place on 18.01.2018 in front of all the relatives and friends. Thereafter, she was found missing, pursuant to which, a complaint was lodged before the third respondent and an FIR had also been registered in Crime No.57 of 2018 under Section 366 IPC on 25.01.2018.

4. Today, when the Habeas Corpus Petition was taken up for consideration, the learned Additional Public Prosecutor would submit that the detenu herein has chosen to marry a boy by name, Fazil / the fourth respondent herein. According to the detenu, she married the fourth respondent on 24.01.2018 and she is living with him at Bangalore. Despite being pointed out that it is illegal to contract a second marriage without even getting a decree of divorce in respect of her first marriage, the detenu did not bother about anything and she would reiterate that she would live only with the fourth respondent and the said statement was made in the presence of the mother of the fourth respondent.

5. The mother of the detenu as well as the mother of the fourth respondent claim to be widows and they have brought up their wards with much pain and great difficulties, yet, the detenu and the fourth respondent have not realised the pain and sufferings of their respective mothers and both of them wanted to live together.

6. Upon hearing the stubborn stand taken by the detenu, Balamurugan / husband of the detenu present in this Court would state that the statement regarding the unwillingness of the detenu to live with him may be placed on record and she may be set at liberty.

7. Under such circumstances, this Habeas Corpus Petition is closed and as the detenu is major, she is set at liberty, by recording her statement made hereinabove. It is open to the husband of the detenu / Balamurugan to approach the appropriate forum for the legal remedies in accordance with law.

Sd/-

Assistant Registrar (P&A)

/True Copy/



To:

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Usilampatti, Madurai District.
- 3.The Sub-Inspector of Police,
Usilampatti Town Police Station,
Madurai District.
- 4.The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.A.Ananda Raj, Advocate SR.No. 56096

ORDER MADE IN
HCP [MD].No.150 of 2018
16.03.2018

ry2

JM/KKR/SAR 1/16.05.2018/3P/6C