



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2018

CORAM:

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

H.C.P(MD) No.158 of 2018

R.Aswin Kannappa

... Petitioner

-VS-

1. The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2. The Deputy Superintendent of Police,
Nagercoil, Kanyakumari District.

3. The Inspector of Police,
Vadasery Police Station,
Nagercoil, Kanyakumari District.

4.N.T.Perumal

... 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 1 to 3 to secure and produce the detenu or body of the detenu namely Induja, (Age -22 years), W/o.Aswin Kannappa, D/o, Perumal before this Court and set her at liberty.

For Petitioner : Mr.R.Murugan

For R1 to R3 : Mr.C.Ramesh,
Addl. Public Prosecutor

For R4 : Mr.T.Lajapathi Roy

O R D E R

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

This petition has been filed by the husband of the detenu, seeking direction to the respondents to produce the detenu, namely, Induja, aged 22 years before this Court and set her at liberty.



2. According to the petitioner, he has completed graduation in M.B.A. and the detenu has been pursuing her M.E. Course in a college at Kanyakumari District. It is stated that both of them fell in love with each other, which ended in their marriage on 05.02.2017 with the blessings of his parents and relatives, but without the knowledge of the parents of the detenu; their marriage was also registered before the Marriage Registrar, Arumanai on 16.02.2017 in Sl.No.65 of 2017. Thereafter, the detenu has been attending the college by staying in the house of the 4th respondent / her father and when the factum of their marriage was known to the parents of the detenu, they did not permit her to attend the college and detained her. Hence, the petitioner has lodged a complaint before the third respondent to trace out her whereabouts and since there was no effective steps taken by the respondent police, he is before this Court, seeking for the above direction.

3. The learned Additional Public Prosecutor has produced the detenu, namely, Induja and the father of the detenu is also present before this Court.

4. On being enquired with the detenu, she has stated that no one kidnapped or abducted her against her will and she has expressed her willingness to live with her parents.

5. On enquiry with the father of the petitioner, he has submitted that she has to first complete her education so as to be independent in her life and thereafter, suitable decision will be taken regarding the marriage of his daughter.

6. The petitioner / husband would submit that the present petition itself came to be filed only at the instigation of his wife / detenu, as she was frequently complaining of her illegal detention by her parents. However, there is no such allegations / averments made in this petition.

7. Considering the fact that the detenu is major and the fact that she has shown her inclination to accompany her father at present, she is set at liberty to act as per her own wish.

8. The Habeas Corpus Petition stands closed accordingly.

Sd/-

Assistant Registrar(CS-I)

/True Copy/



To:

1. The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2. The Deputy Superintendent of Police,
Nagercoil, Kanyakumari District.

3. The Inspector of Police,
Vadasery Police Station,
Nagercoil, Kanyakumari District.

4. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

+ 1 cc TO Mr.R.Murugan , Advocate in SR No. 48154

ar/Ls

AE/SKN RSK/SAR1/01.03.2018/3P/6C

H.C.P (MD) No.158 of 2018
13.02.2018