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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2018

CORAM:

THE HONOURABLE DR. JUSTICE S.VIMALA

AND

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P(MD) No.207 of 2018

Mahibalan

... Petitioner

-vs-

The State Rep.

1. The Superintendent of Police,
Thanjavur District.

2. The Inspector of Police,
Pattukottai Town Police Station,
Pattukottai, Thanjavur District.

3. The Inspector of Police,
All Women Police Station,
Pattukottai, Thanjavur District.

4. Appadurai

... 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 1st to 3rd respondents herein to produce the body of petitioner wife Praveena, aged about 22 years, D/o.Appadurai, before this Honourable Court and set her at liberty.

For Petitioner : Mr.B.Jameel Arasu

For R1 to R3 : Mr.K.Dinesh Babu
Addl. Public Prosecutor

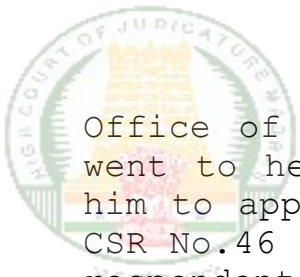
For R4 : M/s.K.M.Priscilla Jancy

O R D E R

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

This petition has been filed by husband, seeking direction to the respondents 1 to 3 herein to produce his wife / the detenu, namely, Praveena, D/o.Appadurai, aged about 22 years, before this Court and set her at liberty.

2. According to the petitioner, both the detenu and
<https://hcrs.courts.gov.in/services/> love with each other and subsequently, married on
09.08.2017 at Mariamman Kovil, Kachnam Village, Thiruthurai
Poondi, Thiruvarur District, which was duly registered at the



Office of the Registrar, Thirukulai on 10.08.2017. While so, she went to her parental home and did not return, which necessitated him to approach the 3rd respondent police by filing a complaint in CSR No.46 of 2018. Since there was no effective steps taken by the respondent police, the petitioner is before this Court.

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3. Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor for R1 to R3 and the learned counsel for R4. The petitioner and his wife / detenu are present before this Court.

4. When the matter was taken up for hearing on 14.03.2018, this Court directed the petitioner to produce the original certificate in proof of completion of his ITI course, as a stand was taken by the detenu on the previous hearing that the petitioner had not completed any course.

5. Today, the petitioner has produced the original course completion certificate for perusal of this Court, from which, it is evident that he has completed the course. However, the detenu is not able to produce any proof to substantiate her submission that the petitioner already married somebody else and she would repeatedly state that she was kidnapped and compelled to marry him by coercion. At last, she has expressed that she is not inclined to continue her relationship with the petitioner and has stated that she is desirous to go with her parents.

6. Recording the submission made by the detenu and taking into account the fact that she is major, this Habeas Corpus Petition is closed and the detenu is set at liberty. It is open to the petitioner to approach the concerned forum for appropriate relief.

Sd/
Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To:

1. The Superintendent of Police,
Thanjavur District.
2. The Inspector of Police,
Pattukottai Town Police Station,
Pattukottai, Thanjavur District.
3. The Inspector of Police,
All Women Police Station,
Pattukottai, Thanjavur District.



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

+1cc to Mr.B.JAMEEL ARASU, Advocate, SR.No. 58065

+1cc to Mr.G.THAVEETHU Advocate, SR.No. 57778

H.C.P (MD) No.207 of 2018
23.03.2018

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KK/KKR/SAR-1/16.05.2018/3P-7C