



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.05.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

H.C.P(MD)Nos.263 and 274 of 2018

M.Selvam : Petitioner in H.C.P.(MD)No.263/18
A.Santhi @ Jansi : Petitioner in H.C.P.(MD)No.274/18

Vs.

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

2. State through the
Inspector of Police,
Sekkanoorani Police Station,
Sekkanoorani,
Madurai District.
(Crime No.80 of 2018)

3. Anantharaj : Respondents in H.C.P.(MD)No.263/18

1. The State represented by,
The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

2. The Inspector of Police,
Nathampatti Police Station,
Virudhunagar District.

(Crime No.31 of 2018) : Respondents in H.C.P.(MD)No.274/18

PRAYER in H.C.P.(MD)No.263/18: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, to direct the first and second respondents to produce the person or body of detainee namely Mohanapriya, D/o.Selvam aged about 18 years before this Court and handover the custody to the petitioner.

PRAYER in H.C.P.(MD)No.274/18: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body or person of the petitioner's husband by name Anand (Male aged 29 years) S/o.Sabari, detenu in the present case, before this Court and consequently set him at liberty.



WEB COPY

For Petitioner : Mr.M.Sureshkumar
for Mr.Antony Arul Raj
For Respondents 1 & 2 : Mr.K.Dinesh Babu
Additional Public Prosecutor
[In H.C.P. (MD)No.263/18]

For Petitioner : Mr.A.Vigneshwar
for Mr.J.William Christopher
For Respondents 1 & 2 : Mr.R.Anandharaj
Additional Public Prosecutor
[In H.C.P. (MD)No.274/18]

COMMON ORDER

[Order of the Court was made by **DR.ANITA SUMANTH, J.**]

This common order disposes of both H.C.P(MD)Nos.263 and 274 of 2018. Since there is identity of facts and parties and the events are interlinked, a common background is set out hereunder.

2.All parties in both petitions are referred to by their names for the sake of clarity.

3. The protagonists in HCP No.H.C.P.(MD)No.263 of 2018 are Mr.M.Selvam, the petitioner, the father of Ms.Mohanapriya, the detenu and those in H.C.P.(MD)No.263 of 2018 are Mrs.A.Santhi @ Jansi, the petitioner, the wife of the detenu, Mr.Anantharaj, who is also the third respondent in HCP 263 of 2018.

4.Mrs.Santhi and Mr.Anantharaj were married on 04.03.2010 at Srivilliputtur. They have a daughter by name, Anto Leena, born on 29.01.2011. Mr.Anantharaj, is stated to be a qualified Physiotherapist, employed in Mysore.

5.Ms.Mohanapriya and Mr.Anantharaj appear to have developed a romantic relationship after an acquaintance spanning four years and admittedly, have lived together from 16.02.2018, till their return to their respective homes on 08.05.2018.

6.We have heard Mr.M.Sureshkumar, learned counsel for Mr.J.Antony Arulraj, learned counsel for the petitioner, Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the official respondents in both the petitions and Ms.Mohanapriya, Mr.Anantharaj, Mrs.Santhi and Mr and Mrs Selvam, the parents of Ms.Mohanapriya who have all appeared before us in person.

7.Both Ms.Mohanapriya and Mr.Anantharaj confirm that their relationship, though illicit, was of their free will and volition. We refrain from delving into the facts in detail for the reason that both Ms.Mohanapriya and Mr.Anantharaj are admittedly, majors. Mr.Anantharaj, aged 30 years was born on 05.07.1998 and Ms.Mohanapriya, aged 20 years was born on 25.05.1998.



8. Suffice it to say that there is no illegal detention as alleged by Mr.Selvam and Mrs.Santhi, the petitioners.

9. Mr.Anantharaj expresses contrition for his acts and assures the court as well as his wife Mrs.Santhi that he now desires to go back to the marital home and continue living with his family and Mrs.Santhi expresses her willingness in this regard.

10. The parents of Ms.Mohanapriya have requested the Court that she be permitted to return to the family home in accordance with the wishes expressed by Ms.Mohanapriya herself. They state that they are inclined to assist her in continuation of her education and future endeavours.

11. Recording the same, this Court closes both the Habeas Corpus Petitions.

Sd/-

Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Madurai, Madurai District.
2. The Inspector of Police,
Sekkanoorani Police Station,
Sekkanoorani, Madurai District.
3. The Superintendent of Police,
Virudhunagar District, Virudhunagar.
4. The Inspector of Police,
Nathampatti Police Station,
Virudhungan District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1 cc TO Mr.J.William Christopher , Advocate in SR No. 65949

MR

AE/KKR/SAR1/30.05.2018/3P/7C