



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.03.2018**

CORAM:

THE HONOURABLE DR. JUSTICE S.VIMALA

AND

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

HCP [MD].No.314 of 2018

WEB COPY

R.Antony Dhivakar

: Petitioner

Vs.

1. The State of Tamilnadu
Rep. by The Superintendent of Police,
Kanyakumari District
At Nagercoil.

2. The Inspector of Police,
Vellichanthai Police Station,
Vellaichanthai,
Kanyakumari District.

3. S.Devadhasan

: Respondents

PRAYER: Habeas Corpus Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Habeas Corpus directing the respondents 1 and 2 to produce the person or body of the petitioner's wife namely Dayana Mary aged about 23 years before this Court and set her at liberty.

For Petitioner

: Mr.K.Vamanan

For R1 and R2

: Mr.K.Dinesh Banu

Additional Public Prosecutor

For R3

: Mr.Mohamed Haniff

ORDER

[Order of the Court was made by

S.VIMALA, J]

This petition has been filed by the petitioner, who is the husband of the detainee, to produce his wife, namely, Dayana Mary, aged about 23 years before this Court and set her at liberty.

2.We have heard the learned counsel for the petitioner; the learned Additional Public Prosecutor for the respondents 1 and 2 and the learned counsel for the third respondent. We have also perused the records carefully.

3.The petitioner/husband of the detainee is not present today. The respondents police have produced the detainee Dayana Mary, before this Court. The third respondent, who is the father of the detainee is also present.



4. It is averred in the petition that the petitioner married the daughter of the third respondent on 16.02.2018, as per the Christian Rites and Customs at Seventh-Day Adventist Church, Moondradaippu and suspecting that the detinue would have been illegally detained by the third respondent / father, he has preferred a complaint with the second respondent and since no action was taken thereon by the respondent Police, the present petition has been filed.

5. On enquiry, the detinue would submit that the petitioner, suppressing the fact that he is already a married man, entered into the marriage with her and upon coming to know of the said fact, she has left the matrimonial home and joined his father. She has further stated that she has not been abducted by anyone and she is not inclined to go with the petitioner.

6. Recording the statement made by the detinue, this Habeas Corpus Petition is closed and as the detinue is a major, she is set at liberty.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Kanyakumari District
At Nagercoil.
2. The Inspector of Police,
Vellichanthai Police Station,
Vellaichanthai,
Kanyakumari District.
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.Vamanan, Advocate Sr.No.58233

+1cc to Mr.A.Mohamed Haneef, Advocate Sr.No.58523

RJ2

VB/SKN/RSK/SAR1/24.04.2018/2P/6C

ORDER MADE IN
HCP .[MD] .No.314 of 2018
26.03.2018