



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated: 07.02.2018

Coram :-

THE HON'BLE DR.JUSTICE S.VIMALA
and

THE HON'BLE MRS.JUSTICE T.KRISHNAVALLI

Habeas Corpus Petition (MD) No.92 of 2018

Imrankhan

... Petitioner

-vs-

1.State rep. by
The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2.State rep. by
The Inspector of Police,
All Women Police Station,
Kuzhithurai,
Kanyakumari District.

3.Radhakrishnan

4.The Manager
(Private Home)
Kalluveedu Chirus Buildings,
Thottiyodu Junction,
Trivandrum Road,
Sunkankadai Post,
Kanyakumari District.

... Respondents

Prayer: Habeas Corpus Petition is filed under Article 226 of Constitution of India, seeking a direction to the Respondent Nos.1 and 2 to produce the person or body of the detenu, namely, Aswini, W/o Imrankhan, aged about 23 years, wife of the petitioner from the illegal custody of the 4th respondent before this Honourable Court and set her at liberty.

For Petitioner : Mr.G.Ramanathan
For R1 & R2 : Mr.C.Ramesh
Addl. Public Prosecutor

O R D E R

(Order of the Court was made by S.Vimala,J.,)

The petitioner, claiming himself to be the husband of the detenu, has filed this petition, seeking direction to the Respondent Nos.1 and 2 to produce the detenu, namely, Aswini, aged about 23 years before this Court and set her at liberty.

2. According to the petitioner, the detenu and himself fell in love with each other and since both of them belong to different community, their parents did not agree for their marriage. However, the petitioner subsequently married the detenu by way of exchanging gold rings as a token of marriage. While so, on the basis of the complaint lodged by the third respondent / father of the detenu, the fourth respondent called them for enquiry and detained the detenu in a private home on 07.11.2017 and despite his repeated representation to the respondents 1 & 2 for securing the detenu, his request fell into deaf ears. Hence, he is before this Court, seeking for the above direction.

3. The learned Additional Public Prosecutor has produced the detenu, namely, Aswini and the parents of the detenu are present before this Court.

4. On being enquired with the detenu, she has stated that she is 22 years old and she is not inclined to go with the petitioner. According to her, her original certificates and I.D.cards are with the petitioner and the same may be returned to her. The petitioner has brought all her original documents and handed over the same to the detenu in the presence of the parents of the detenu and the learned counsel on either side, the list of which are as follows:

Sl.No.	Name of the Documents
1.	UG Degree Course Completed Certificate
2.	Conduct Certificate
3.	UG Course Transfer Certificate
4.	Community Certificate
5.	Income Certificate
6.	Nativity Certificate
7.	Higher Secondary Mark Statement
8.	SSLC Mark Statement
9.	Birth Certificate
10.	Bank Passbook
11.	Post Office Passbook
12.	Election Voter ID Card
13.	PAN Card
14.	Aadhar Card
15.	Driving Licence
16.	2 Nos. SIM Card and 1 No.Memory Card

5. The petitioner has stated that his cellphone, which was given to the detenu has not yet been returned. The detenu, having accepted the possession of his cellphone, has agreed to hand over the same to the 2nd respondent police. The 2nd respondent, on receipt of the cellphone from the detenu, shall hand over the same to the petitioner forthwith.



6. Considering the fact that the detenu has attained majority and has shown her inclination to go with her parents, this petition stands closed.

Sd/-

Assistant Registrar (CS-III)

WEB COPY

/True Copy/

Sub Assistant Registrar

To:

1. The Superintendent of Police,
Kanyakumari District,
Nagercoil.
2. The Inspector of Police,
All Women Police Station,
Kuzhithurai,
Kanyakumari District.
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.G.Ramanathan, Advocate SR.No. 47143

Habeas Corpus Petition No.92 of 2018

ar

JM/SV MMS/SAR 4/12.02.2018/3P/5C